University of London

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REPORTS

FROM

COMMITTEES:

EIGHT VOLUMES.

— (4.) —

MASTER AND SERVANT;
METROPOLIS SEWAGE AND ESSEX RECLAMATION BILL;
METROPOLITAN TOLL BRIDGES BILL, AND
CHELSEA BRIDGE TOLL ABOLITION BILL;
OPEN SPACES (METROPOLIS);
PICCADILLY AND PARK LANE NEW ROADS BILL.

Session

7 *February* —— 6 *July* 1865.

VOL. VIII.

1865.

REPORTS FROM COMMITTEES:

1865.

EIGHT VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

MASTER AND SERVANT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
15 *June* 1865.

370.

Veneris, 7° die Aprilis, 1865.

Ordered, THAT a Select Committee be appointed to inquire into the State of the Law as regards Contracts of Service between Master and Servant, and as to the expediency of amending the same.

Veneris, 19° die Maii, 1865.

Ordered, THAT the Committee do consist of Seventeen Members.

Committee nominated:—

Lord Elcho.	Mr. Hennessy.
Mr. Cobbett.	Mr. Roebuck.
Mr. Solicitor General.	Mr. Lowe.
Sir James Fergusson.	Mr. Jackson.
Mr. Dalglish.	Mr. Algernon Egerton.
Mr. Gathorne Hardy.	Mr. Alderman Salomons.
Mr. Edmund Potter.	Mr. Clive.
Lord Stanley.	Mr. Cox.
Mr. William Edward Forster.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Veneris, 26° die Maii, 1865.

Ordered, THAT the Petition of the Associated Society of Brickmasters, praying to be heard by Counsel against Proposed Alterations of the Law of Contract between Master and Servant, be referred to the Committee.

Jovis, 15° die Junii, 1865.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the State of the Law as regards Contracts of Service between Master and Servant, and as to the expediency of amending the same;——Have considered the matters to them referred, and have agreed to the following REPORT:

That inasmuch as the state of the law of contracts between Masters and Servants is a subject of the highest importance, affecting as it does the relations of employers and employed throughout the kingdom, and any inquiry as to the operation of the law should be full, searching, and complete; and inasmuch as there is no probability of your Committee being able to complete such inquiry in the present Session, it is desirable that the Evidence, so far as it has been already taken, should be reported to the House, accompanied by a recommendation that a Committee should be appointed in the next Session of Parliament to consider this subject.

15 June 1865.

PROCEEDINGS OF THE COMMITTEE.

Martis, 30° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Cobbett.	Mr. Cox.
Mr. Roebuck.	Lord Elcho.
Mr. Algernon Egerton.	Mr. Edmund Potter.
Mr. Jackson.	Sir James Fergusson.

Mr. *Cobbett* was called to the Chair.

[Adjourned to Friday next, at Two o'clock.

Veneris, 2° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. COBBETT in the Chair.

Mr. Dalglish.	Mr. Edmund Potter.
Lord Elcho.	Mr. Solicitor General.
Mr. Jackson.	Mr. Cox.
Mr. Lowe.	Mr. Egerton.
Mr. Alderman Salomons.	Mr. Hennessy.

Mr. *John Strachan* examined.

[Adjourned to Tuesday, 13th inst., at Twelve o'clock.

Martis, 13° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. COBBETT in the Chair.

Mr. Cox.	Mr. Dalglish.
Mr. Edmund Potter.	Lord Elcho.
Mr. Algernon Egerton.	Mr. Alderman Salomons.
Mr. William Edward Forster.	

Mr. *Hugh Barclay* examined.

Committee deliberated.

Resolved, "That inasmuch as the state of the Law of Contracts between Master and Servant is a subject of the utmost importance, affecting, as it does, the relations of employers and employed throughout the kingdom, and any inquiry as to the operation of the Law should be full, searching, and complete; and inasmuch as there is no probability of the Committee being able to complete such inquiry in the present Session, it is desirable that the Evidence, so far as it has been already taken, should be reported to the House, accompanied by a recommendation that a Committee should be appointed in the new Parliament to consider this subject."

Resolved, "That the Chairman do make a Report accordingly, together with the Minutes of Evidence taken before them, to the House."

Report agreed to.

Ordered, To Report.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. John Strachan - -	Solicitor -	Glasgow - -	6	14 - -	12 12 -	26 12 -
Mr. Sheriff Barclay - -	Sheriff - -	Perth - -	3	7 17 -	6 6 -	14 3 -
Mr. Alexander Macdonald -	Writer to the Signet.	Holytown, Scotland.	3	7 - -	3 15 -	10 15 -
					Total - - - £.	51 10 -

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Martis, 13° *die Junii*, 1865.

Mr. Sheriff Barclay - - - - - - - - - - - p. 13

MINUTES OF EVIDENCE.

Veneris, 2° die Junii, 1865.

MEMBERS PRESENT:

Mr. Cobbett.
Mr. Cox.
Mr. Dalglish.
Mr. Algernon Egerton.
Lord Elcho.
Mr. Solicitor General.
Mr. Hennessy.
Mr. Jackson.
Mr. Lowe.
Mr. Edmund Potter.
Mr. Alderman Salomons.

JOHN MORGAN COBBETT, Esq., in the Chair.

Mr. John Strahan, called in; and Examined.

Mr. *J. Strahan.* 2 June 1865.

1. *Chairman.*] What are you?—A Solicitor in Glasgow.

2. Have you been for some time employed by Associations of the Working People?—I have been employed by several associations.

3. You have come here, I believe, to give evidence with reference to the law as it regards master and servant?—As it regards the contract between master and servant.

4. Are you acquainted with the law and the practice of it, both in Scotland and in England?—I am.

5. What statute would you refer the Committee to first to show what is the law as regards the contracts between master and servant?—There are three statutes to which I would refer; the first is 20 Geo. 2, c. 19, the next is 6 Geo. 3, c. 25, and the third, 4 Geo. 4, c. 34.

6. You pass over the 4 Geo. 4, c. 29?—Yes.

7. That relates simply to apprentices, I believe?—It does not relate to the subject of this inquiry; under these statutes the apprentice is not a servant.

8. Mr. *Cox.*] But under the 4 Geo. 4, c. 29, he is a servant, is he not?—He is not a servant; that is a special provision with respect to apprentices, and it requires apprentices to be mentioned in these provisions.

9. *Chairman.*] You have mentioned three statutes then that affect contracts between master and servant?—Time contracts entered into for time served, for any time or times.

10. Can you state the particular parts of those statutes which relate to the question before this Committee?—Yes; they are the second section of the first of these statutes, the 20 Geo. 2, c. 19, 6 Geo. 3, c. 25, s. 4, and 4 Geo. 4, c. 34, s. 3.

11. Is not section 4 of the last Act also applicable?—Section 4 applies to the recovery of wages, you might say sections 3 and 4; but section 4 entirely applies to the recovery of wages from the master under the contract. I should have explained in giving these sections that I did not refer to the question of wages, which I might have done, but purely to the criminal consequences attached to the contract.

12. Mr. *Cox.*] You say that these sections refer to time contracts only?—Yes; I am going to mention the other sections which apply to contracts given out. The second section of the first Act which I referred to, namely, the 20 Geo. 2, c. 19, is this: "Be it further enacted, by the authority aforesaid, that it shall and may be lawful to and for such justice or justices, upon application of complaint made upon oath by any master, mistress, or employer, against any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, touching or concerning any misdemeanor, miscarriage, or ill behaviour, in such his or her service or employment (which oath such justice or justices is and are hereby empowered to administer), to hear, examine, and determine the same, and to punish the offender by commitment to the House of Correction, there to remain and be corrected, and held to hard labour for a reasonable time not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, from his, her, or their service, or employment; and, in like manner also, it shall and may be lawful to and for such justice or justices, upon any complaint or application upon oath by any such servant, artificer, handicraftsman, miner, collier, keelman, pitman,

Mr. *J. Strahan.* 2 June 1865.

pitman, glassman, potter, or other labourer, against such master, mistress, or employer, touching or concerning any mis-usage, refusal of necessary provision, cruelty, or other ill-treatment of, to, or towards such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, and to summon such master, mistress, or employer to appear before such justice or justices at a reasonable time to be prefixed to such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master, mistress, or employer, shall appear or not, proof being made upon oath of his or her being duly summoned, and upon proof thereof made upon oath to his or their satisfaction to discharge such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, of and from his said service and employment, which discharge shall be given under the hand and seal, or hands and seals, of such justice or justices gratis."

13. Mr. *Jackson.*] That applies to England and Scotland, does it?—England, Scotland, and Ireland; it is a British statute.

14. *Chairman.*] Will you now go to the 6 Geo. 3?—Yes; that statute is out of print; I have a copy here. A part of it is in Mr. Smith's Treatise, which says, "By section 4, after reciting that it frequently happens that artificers, calico printers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers and others, who contract with persons for certain terms, do leave their respective services before the terms of their contracts are fulfilled, to the great disappointment and loss of the persons with whom they so contract; for remedy thereof it is enacted, that after the 24th of June 1766, if any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer or other person, shall contract with any person whomsoever, for any time or term whatsoever, and shall absent himself from his service before the term of his contract shall be completed, or be guilty of any other misdemeanor, that then and in every such case it shall and may be lawful for any justice of the peace of the county or place where any such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer or other person shall be found, and such justice is hereby authorised and empowered, upon complaint thereof made upon oath to him by the person with whom such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer or other person shall have so contracted, or by his or her steward or agent, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer or other person, and to examine into the nature of the complaint, and if it shall appear to such justice that any such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer or other person shall not have fulfilled such contract, or have been guilty of any misdemeanor, it shall and may be lawful for such justice to commit every such person to the house of correction for the county or place where such justice shall reside, for any time not exceeding three months nor less than one month."

15. Mr. *Algernon Egerton.*] Does that repeal any part of the Act of George the Second?—No.

16. *Chairman.*] It increases the penalty by two months, does it not?—Yes, it is competent to proceed under either statute, and there is no hand labour under the second statute.

17. That is supplied by another statute?—Yes, that is supplied by the 4 Geo. 4, c. 34, s. 3, which is the statute principally taken advantage of in prosecutions under these Acts: "And be it further enacted, that if any servant in husbandry or any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall contract with any person or persons whomsoever to serve him, her, or them for any time or times whatsoever or in any other manner, and shall not enter into or commence his or her service according to his or her contract (such contract being in writing, and signed by the contracting parties), or having entered into such service shall absent himself or herself from his or her service before the term of his or her contract, whatever such contract shall be in writing or not in writing, shall be completed, or neglect to fulfil the same, or be guilty of any other misconduct or misdemeanor in the execution thereof, or otherwise respecting the same, then and in every such case it shall and may be lawful for any justice of the peace of the county or place where such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall have so contracted or be employed or be found, and such justice is hereby authorised and empowered upon complaint thereof made upon oath to him by the person or persons, or any of them with whom such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person shall have so contracted, or by his, her, or their steward, manager, or agent, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that any such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall not have fulfilled such contract, or hath been guilty of any other misconduct or misdemeanor as aforesaid, it shall and may be lawful for such justice to commit every such person to the House of Correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months, and to abate a proportionable part of his or her wages for and during such period as he or she shall be so confined in the House of Correction, or in lieu thereof to punish the offender by abating the whole or any part of his or her wages, or to discharge such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, from his or her contract, service, or employment, which discharge shall be given under the hand and seal of such justice gratis." These statutes refer to the particular classes of workmen falling under the description here specified. Then, by the statute 10 Geo. 4, c. 32, which is a very short one, being just one section, it is enacted, "That all the provisions of the

the said Act" (that is to say, the 4 Geo. 4, c. 34, that I have just read) "shall be extended to all persons engaged, whether as masters, servants, apprentices, or otherwise, in the several manufactures, trades, and occupations mentioned in an Act passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled 'An Act for amending and rendering more effectual the several laws now in being for the more effectual preventing of frauds and abuses by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures, and also for making provisions to prevent frauds by journeymen dyers,' in the same manner as if such persons had been specially mentioned therein." So that under the provisions of this extending section the provisions of the 4 Geo. 4 apply to the trades that are specially mentioned in the 4 Geo. 4, and to those that are enumerated in this Act, the 10 Geo. 4, c. 32.

18. Mr. *Jackson.*] Do those provisions apply to apprentices?—In each of these Acts there are some references to apprentices. For instance, section 1 of 4 Geo. 4, c. 34, applies to apprentices entirely. I would just explain here, that a prosecution in the local courts of Scotland, which was against an apprentice, was founded upon section 3, which I have just read to the Committee, and the case came by appeal to the House of Lords, and the House of Lords held that an apprentice was not a servant, and that therefore it was a wrong libelling under the statute, and the proceedings were therefore quashed.

19. Mr. Alderman *Salomons.*] The 4 Geo. 4 is the first Act that specially mentions servants in husbandry; is not that so?—Yes; there was some doubt whether that was included under the first statutes, and to make that point clear, the enacting words in the 4 Geo. 4 were put in.

20. The two first statutes, I understand you, do not mention them specially?—No, these statutes do not apply to menial servants; that has been decided by the Courts in England.

21. *Chairman.*] But the 10 Geo. 4 extends the 4 Geo. 4, does not it, as to the persons to come within the statute?—Yes.

22. Are there any decisions of the Courts which have extended it still further?—There are some decisions; for instance, a designer working in a calico printing work has been held to fall under that statute; there is a decision explaining what the meaning of these words is; it says, "persons of the same description as those enumerated." It must be applied to those who are specially enumerated.

23. Mr. *Jackson.*] Can you give us the names of the cases to which you allude?—The case that decides whether domestic servants are liable is Kitchen against Shaw; the other cases I will find.

24. *Chairman.*] Where is that case reported?—It is in 6 Adolphus & Ellis, page 729.

25. We now have had an enumeration of all the persons to whom the statute applies, have we not?—Yes. There are two other statutes which apply to cases of this sort. When goods are given out to a workman to execute in his own house, if he fails to return them within a certain time, he is amenable to be prosecuted criminally, and one of these statutes is the 17 Geo. 3, c. 56, s. 8.

26. Is not that for embezzlement?—Embezzlement is part of the same statutes, but this is specially for the purpose which I have named.

27. Mr. *Cox.*] The 10 Geo. 4 relates to contracts between master and servant only?—Yes.

28. Now you are going to job contracts in the 17 Geo. 3?—Yes.

29. Mr. Alderman *Salomons.*] This is an entirely new clause to which you are now referring, is it not?—Entirely. The words of the Act of the 17 Geo. 3, c. 56, s. 8, are, "And whereas by the said Act of the 22d year of the reign of his late Majesty King George the Second, it is enacted, that from and after the said 24th day of June 1749, if any person who should be hired, retained, or employed to prepare or work up any of the manufactures thereinbefore mentioned, for any one master, should neglect or refuse the performance thereof, by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever before he or she should have completed the work which he or she was first and originally so hired, retained, or employed to perform, and which was first delivered to him or her, then and in every such case the person so offending, being thereof lawfully convicted by the oath or (being of the people called Quakers) affirmation of one or more creditable witness or witnesses, before one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place where the offence or offences should be committed, should be sent to the House of Correction, there to be kept to hard labour for any time not exceeding one month; And whereas the said provision contained in the said recited clause is not found sufficient for the purpose intended, and it is apprehended that some other provision more proper may be made: Be it therefore further enacted, that from and after the said 1st day of July 1777 the whole of the said last recited clause shall be repealed; and that from and after the said 1st day of July 1777 if any person being hired, retained, or employed to prepare or work up any materials, whether mixed or unmixed, for any master or masters, shall wilfully neglect or refuse the performance thereof for eight days successively, or having taken in any materials, whether mixed or unmixed, for manufacture, from one master, or two or more masters being co-partners, shall afterwards take in any materials, whether mixed or unmixed, for manufacture, from any other master or masters, or shall procure or permit himself or herself to be employed or retained in any other occupation or employment whatsoever, sooner than eight days before the completion of the work first taken, then in every such case such person, being thereof lawfully convicted by the oath or (being of the people called Quakers) affirmation of one or more credible witness or witnesses, before two or more justices of the peace of the county, riding, division, city, liberty, town, or place where the offence or offences shall be committed, shall be sent to the House of Correction or other public prison, there to be kept to hard labour for any time not exceeding three months, nor less than one month."

30. Mr. *Jackson.*] That was the first time, was it not, that hard labour was introduced?—No; there was hard labour before for one month, but it is increased to three months by this statute.

31. Mr. Alderman *Salomons.*] Is that Act still in existence?—I have already referred to

Mr. *J. Strahan.* 2 June 1865.

that Act in another way; it is intituled "An Act for amending and rendering more effectual the several laws now in being for the more effectual preventing of frauds and abuses by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures, and also for making provisions to prevent frauds by journeymen dyers." That Act was repealed to some extent by the Act 6 & 7 Vict. c. 40, s. 7, which is this: "And be it enacted, that if any person entrusted, employed, or contracting to prepare, work up, or manufacture, or to have prepared, worked up, or manufactured, either by himself, or by any person or persons to be employed by or under him, or by himself jointly with any person or persons to be employed by or under him, any woollen, worsted, linen, cotton, flax, mohair, or silk materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said materials, and return the same within seven clear days after the time which shall have been agreed upon between such person and the owner of the said materials, or other the person entrusting him therewith, and in case no such time shall have been so agreed upon, then within seven clear days after being required so to do (unless prevented by some reasonable and sufficient cause, to be allowed by the justices before whom he shall be brought), or shall leave or return such materials without having performed, as he could and ought to have done, the work he was employed to perform thereon or thereto, and without the consent of the person entrusting him with such materials as aforesaid, or shall damage the same, or if any person shall contract or engage to work, or be employed to do or perform, or to have done or performed any work in any of the said manufactures, or connected therewith, or incidental thereto, or any parts, branches, or processes thereof, either by himself or by any person or persons to be employed by or under him, and whether such contract or engagement shall be to work or be employed for any person exclusively, or for all or part of his time, or for specific work or otherwise, and whether such person is to be paid according to the value or amount of the work done, the time employed, or in any other manner whatsoever, and shall neglect to fulfil such contract or engagement, or absent himself from such work or employment before such notice (if any) as shall have been agreed upon between the said parties for determining the said contract or engagement shall have expired, or without giving such notice, or contrary to the terms of such contract or engagement (unless prevented as aforesaid, to be allowed as aforesaid) then and in every such case such person, being thereof lawfully convicted on oath before two or more justices of the peace, shall forfeit any sum not exceeding 2*l.*, as to such justices shall seem meet, and also if the said materials shall be damaged, the amount of the injury done thereto to be ascertained by the said justices, together with costs; and every such forfeiture shall be applied, under the direction of the justices so convicting, in manner following (that is to say), in the first place, in making such satisfaction to the party injured as the said justices shall think proper, and the remainder, if any, shall be applied in the same manner as any penalty under this Act; and in default of payment of such forfeiture and costs, immediately on conviction, or within such period as the justices so convicting shall direct, the said justices may either immediately, or at any time after such conviction, commit any person so convicted to the common gaol or House of Correction, there to be imprisoned, with or without hard labour, as to the said justices shall seem meet, for any term not exceeding two calendar months, unless the amount of such forfeiture and costs be sooner paid."

32. *Chairman.*] Those statutes that you have just quoted seem to apply to a particular class of workmen?—They only apply to those workmen whose trades are specially mentioned in the statute.

33. And not to those that you have referred to before?—No, not generally.

34. You are acquainted with the operation of these Acts, and you have stated that the Act principally put in force is the 4 Geo. 4, c. 34?—Decidedly.

35. As well in Scotland as in England?—Yes.

36. Can you tell the Committee what is the complaint that the workpeople make with regard to that?—The contract which is referred to there is a simple contract of hiring, and that in law is a civil contract, and what they object to is, that criminal consequences should be attached to their non-fulfilment of the contract on the one side of the contract, while it remains a purely civil contract as it affects the masters on the other side.

37. Where is it treated as a civil contract with regard to the master?—Throughout the whole statute, and at common law.

38. Perhaps you would refer to the fourth section of 4 Geo. 4?—That applies to the recovery of wages entirely. That section is this: "And whereas it frequently happens that such masters, mistresses, or employers, reside at considerable distances from the parishes or places where their business is carried on, or are occasionally absent for long periods of time, either beyond the seas or at considerable distances from such parishes or places, and during such residence or occasional absence entrust their business to the management and superintendence of stewards, agents, bailiffs, foremen, or managers, whereby such servants, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers, or other persons, and apprentices, are or may be subjected to great difficulties and hardships, and put to great expense in recovering their wages: Be it therefore enacted, that in either of the said cases it shall and may be lawful to and for any justice or justices of the county, or place where such servant in husbandry, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice shall be employed, upon the complaint of any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice touching or concerning the non-payment of his or her wages, to summon such steward, agent, baliff, foreman, or manager, to be and appear before him or them at a reasonable time to be named in such summons, and to hear and determine the matter of the complaint in such and the like manner as complaints of the like nature against any master, mistress, or employer, are directed to be heard and determined in and by this and the before-recited Acts; and also to make an order for the payment by such

such steward, agent, bailiff, foreman, or manager, to such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person or apprentice, of so much wages as to such justice or justices shall appear to be justly due, provided that the sum in question do not exceed the sum of 10*l.*; and in case of refusal or non-payment of any sum so ordered to be paid by such steward, agent, foreman, bailiff, or manager, for the space of 21 days from the date of such order, such justice or justices as aforesaid shall and may issue forth his or their warrant to levy the same by distress and sale of the goods and chattels of such master, mistress, or employer, rendering the overplus to the owner or owners, or to such steward, agent, bailiff, foreman, or manager, for the use of such master, mistress, or employer, after payment of the charges of such distress and sale." It applies entirely to wages, as I have already said.

39. Is there any statute passed subsequently to the 4 Geo. 4, c. 34, which limits the power of the justices under the third section of that statute?—None.

40. Or which decreases the penalties?—None.

41. Mr. *Jackson.*] Are there no other Acts of Parliament which have been passed relating to master and servant, since 4 Geo. 4, c. 34?—None, with the exception of this extending Act of 10 Geo. 4, c. 32, to which I have already referred. The last Act, 4 Geo. 4, c. 34, was passed in 1823; the Act 6 & 7 Vict., which I read, applying to the particular trade of silk and so forth is of a later date, of course.

42. Are you aware whether any Committee of this House has ever sat on this question since the year 1823?—I am not aware.

43. Or whether it has been a matter of inquiry since that time?—I am not aware.

44. Mr. *Algernon Egerton.*] Are there no special Acts with regard to Scotland, or are these all the Acts?—No, they are British statutes.

45. *Chairman.*] You have stated that 4 Geo. 4, c. 34, was the statute principally used?—That is the one principally had recourse to in prosecuting for alleged breach of contract against workmen.

46. Mr. Alderman *Salomons.*] Although the law is so severe upon the assumed breach of a contract by a workman, there is no special provision made, is there, that that contract should be of a very formal kind?—None. The 4 Geo. 4 puts it in this way: it shall either be in writing or not in writing; if it is in writing, then supposing even that the workman does not enter upon it, he can be prosecuted criminally for a breach of it; but if the contract is not in writing, he must enter upon it before he can be prosecuted for a breach of that contract. If it is in writing, however informal it may be, a workman can be proceeded with.

47. Mr. *Cox.*] Will you turn, if you please, to the first section of 20 Geo. 2, c. 19, and see whether that does not contain a very similar enactment to 4 Geo. 4, c. 34?—Yes, it does.

48. Mr. Alderman *Salomons.*] The 4 Geo. 4 is the first statute, is it not, that speaks of contracts?—Whether the previous Acts use the express word "contract" or not, the wording applies to a contract.

49. Mr. *Cox.*] That section which I have referred to gives power to a justice or justices to award wages to a servant, does it not: "To make such order for payment of so much wages to such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, as to such justice or justices shall seem just and reasonable, provided that the sum in question do not exceed 10*l.*"; that gives power to a justice or justices to order payment of wages?—Yes.

50. And in default of payment it authorises the justice or justices to levy a distress?—Yes.

51. But it says nothing, does it, in reference to the case where there are no goods to distrain upon, as to what course shall then be taken?—No.

52. Taking the case of a servant who has complained against his master, and has obtained an order for payment of wages, which order has not been obeyed, and supposing that then a distress warrant has been issued, and that sufficient goods have not been found to pay the wages, are you aware of any law which enables the servant to send that master to prison by order of a justice or justices?—There is a law to that effect.

53. Failing payment and failing goods to answer distress, are you aware whether there is any law in existence which enables the servant to send the master to prison?—I am aware that there is such a law; but at this moment I cannot put my finger upon it.

54. Do you think that it is contained in any one of these Acts to which you have referred; is such a power contained either in 20 Geo. 2, or in 6 Geo. 3, or in 4 Geo. 4, or in 10 Geo. 4, or in 17 Geo. 3?—I can only say that there is such a law; at present I am not prepared to point it out.

55. Will you turn to 11 & 12 Vict., c. 43, s. 23, and tell me what you find there?—"And be it enacted that in all cases where the statute by virtue of which a conviction for a penalty or compensation, or an order for the payment of money is made, makes no provision for such penalty or compensation, or sum, being levied by distress, but directs that if the same be not paid forthwith, or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned, or imprisoned and kept to hard labour for a certain time, unless such penalty, compensation, or sum, shall be sooner paid; in every such case, such penalty, compensation, or sum, shall not be levied by distress; but if the defendant do not pay the same together with costs, if awarded forthwith, or at the time specified in such conviction or order for the payment of the same, it shall be lawful for the justice or justices making such conviction or order, or for any other justice of the peace for the same county, riding, division, liberty, city, borough, or place, to issue his or their warrant of commitment (O., 1, 2) under his or their hand and seal, or hands and seals, requiring the constable or constables to whom the same shall be directed to take and convey such defendant to the House of Correction, or common gaol for the county, riding, division, liberty, city, borough, or place aforesaid, as the case may be," and so on.

56. Does not that section give the power to a servant of sending his master to prison if there be an order obtained from the justices for payment of wages which are not paid?—No doubt about it.

57. Do you know whether under any of these statutes there is any appeal to the Quarter Sessions from an order made for payment of wages by any justice or justices?—It was doubted

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whether there was an appeal, but I think that there is an appeal now; in Scotland I know that there is no appeal.

58. *Chairman.*] You have not stated positively that there is an appeal in England?—No; I say that in Scotland there is no appeal.

59. Mr. *Cox.*] Have you had your attention called to the case of the Queen against Bedwell, reported in 4 Ellis and Blackburn, 213, in which the question arose about the power of the master to appeal to the Quarter Sessions from an order of a justice or justices?—I did at one time read the case referred to. There is no doubt that if the master fails to pay, the servant can apply for a distress warrant; but the master has first the option given him of paying, which the workman has not. That statute of the 11 & 12 Vict. was not passed in reference to master or workman questions; it is "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales, with respect to Summary Convictions and Orders." These general words clearly apply to the provisions of the statute referring to masters and servants, and therefore it comes within the provisions of this Act. I think it is right that I should here mention, that it has been decided that a commitment of a servant under the Act, the 4 Geo. 4, c. 34, does not *per se* operate to dissolve the contract of hiring, and that if he fails to return after coming out of prison to fulfil that contract he can be again proceeded against.

60. That is in the case of a job, is it not?—No.

61. *Chairman.*] Will you explain to the Committee what is the mode of proceeding in Scotland under this statute, the 4 Geo. 4, c. 34, which you say is mostly used?—Proceedings are now generally adopted under an Act passed last Session of Parliament, called the Summary Procedure (Scotland) Act, the 27 & 28 Vict. c. 53. Under that Act a complaint is presented to the justice, and although there is a power given to the justice to grant a warrant to cite the workman to appear, the general course followed is to grant a warrant to apprehend, and the man is apprehended and taken, in terms of the warrant, to a police cell, where he is kept until the justice is prepared to hear the cause. The master appears before him in court along with his witnesses, and unless the man asks for delay, the inquiry is at once gone into. The man only hears the complaint read at the bar; no copy is served upon him, and it very frequently happens that a man is sent to prison before his friends or relatives know where he is, or know anything about the proceedings at all.

62. Mr. *Algernon Egerton.*] Is that Act frequently acted upon?—It is now almost universally acted upon. Before that Act was passed last year there was no power vested in the justice to grant a warrant to cite at all; he was bound to grant a warrant to apprehend.

63. *Chairman.*] Now he grants what we in England should call a summons?—Yes.

64. And immediately upon that he grants a warrant?—Yes.

65. Mr. *Cox.*] Does he grant a summons and a warrant too?—No; it is optional for him to grant a summons or to issue his warrant; but the course that is almost universally followed is for him to issue his warrant.

66. Mr. *Jackson.*] What is the course followed in England?—In England it is the reverse; the general course is to issue the summons to cite.

67. Mr. *Cox.*] That statute, which you have just mentioned, does not apply to England?—No, the statute applying to England is the 11 & 12 Vict. c. 43.

68. *Chairman.*] You mean that, in England, justices are generally rather favourable to issuing the summons in the first instance?—That is the course generally followed in England, but not in Scotland; the general course followed in Scotland is to issue the warrant at once.

69. Mr. *Edmund Potter.*] Do you say that that course is universally followed?—I say that it is almost universally followed.

70. Have you any notion of the number of times in which that course has been followed?—There is not a week, and scarcely a day, without some of these cases occurring.

71. Have you any idea of the entire number?—I have an idea of the entire number for England, but there is no return for Scotland.

72. You used the word "universally," I want to know the extent of that term?—My words were, "almost universally."

73. *Chairman.*] When you say "almost universally," you mean that that is the course followed in the greater part of the cases?—The exceptional case, where a summons is issued, is rare in Scotland.

74. Mr. *Jackson.*] The cases where a warrant is issued, as I understand you, are equally exceptional in England?—Yes.

75. *Chairman.*] Is there a return made every year to Parliament of the cases in which people have been sent to prison under this law?—I have a special return here of the prosecutions for the year 1863.

76. Does that show what the proceeding has been, whether by warrant or summons?—No, it does not.

77. Can you tell the Committee the number of persons that have been committed to prison in any one year recently?—In 1863 the number of prosecutions under these statutes I find was 8,504.

78. Does that include England and Scotland?—England and Wales alone; there is no return for Scotland.

79. That is the number of prosecutions, you say; what is the number of convictions?—The number of convictions is 4,797 males, and 274 females.

80. Mr. *Jackson.*] Were those prosecutions under the Acts which you have recited?—All under these several statutes.

81. *Chairman.*] Does that return show the number sent to gaol?—No, it does not; it shows the number discharged, and the number convicted.

82. Mr. Alderman *Salomons.*] Does it tell the class of persons?—I was going to explain that; it embraces (and I am not prepared to separate them) servants, and apprentices or masters.

83. *Chairman.*] What does the term "masters" mean there?—It refers to the exceptional case to which Mr. Cox has alluded.

84. How many masters are returned there?—It does not say.

85. Mr. *Cox.*] Are those all applications for imprisonment, or were they for payment of money?—Not the last, so far as the servant is concerned.

86. Mr. Alderman *Salomons.*] Do you know of

of your own knowledge that parties have been in this way summarily taken on a warrant?—Every week in Glasgow, and in the western district of Scotland, there are cases occurring under the sections of the statutes which I have referred to, where they are apprehended and brought into prison. I have had occasion, in several instances of late, to appear on behalf of such parties.

87. *Chairman.*] The first they know of it is, the fact of their being apprehended; is that what you mean?—Yes.

88. Mr. *Edmund Potter.*] How many cases do you know of that kind within one twelvemonth?—I must have attended between 20 and 30 myself within that time.

89. Lord *Elcho.*] You mean that there has been that number of cases of which you had the conduct, without reference to others?—Yes.

90. Mr. *Jackson.*] Is there any return of the number of convictions, and the number sent to prison?—Yes, that can be very easily obtained.

91. *Chairman.*] There is such a return for 1855, is there not?—Yes, Mr. M'Mahon's.

92. Mr. *Algernon Egerton.*] It would be possible, I suppose, to get the cases of apprentices separated from those of servants?—Yes, because they are all convicted under separate sections.

93. *Chairman.*] Will you state what it is that the working people complain of in reference to this subject?—They complain, as I have already explained, that this contract of hiring being a civil contract, the law attaches criminal consequences to a breach of it, on the part of one of the parties to the contract, while it does not attach those consequences to a breach of it on the part of the other.

94. I daresay that you know that a Bill was brought into Parliament by Mr. Cox and myself last year with regard to this matter?—Yes, I have seen that Bill.

95. Have you had occasion to submit it to the working people?—It has been submitted to the working people throughout the United Kingdom; there is scarcely a town in the United Kingdom where the working people have not, more or less, discussed it.

96. We have discovered, I think, that that Bill was defective in one particular; that is to say, it gave no remedy to the master where a man had been convicted, as it were, or found guilty of deserting his service: that there was, in fact, no mode of recovering any penalty that might be adjudged against him; has it been considered defective by others?—It was considered defective in so far as the machinery that it provided was not considered to place master and servant on an equal footing; it did not give the master a sufficient remedy as against the workman for the recovery of any damages that might be awarded for a breach of the contract on his part. I may say here that we object to the word "penalty," because under the Summary Procedure Act of Scotland, where a penalty is awarded, that is one of the criterions for determining whether it is a civil or criminal procedure; and if the word "penalty" is inserted, it is held to be under a criminal prosecution. We say, "Put in any damages that may be awarded, and put it under that name."

97. I think that you proposed yourself a mode of obviating the difficulty which we had with regard to that Bill, did you not?—I pointed out what I considered would be a remedy, which was to strike out all the special provisions made with reference to that matter, and to leave the recovery of the damages to the operation of the Common Law; that I consider to be the most effectual remedy.

98. Mr. *Cox.*] Would not the addition of those words that I suggested in the clause have made the thing perfect and complete on the face of it?—That is what I considered.

99. Do not you think it a better plan that the Bill itself should be complete on the face of it, rather than that it should be necessary to go searching after Jervis's Act?—I think it is far better that the thing should be complete on its face, and that there should be no difficulty about it.

100. Then do you withdraw that suggestion that you made of striking out the whole of the clause, and adopt my suggestion of putting in certain words?—These words that were introduced.

101. Mr. Alderman *Salomons.*] Jervis's Acts do not apply to Scotland, do they?—Yes, the whole of them.

102. *Chairman.*] Have you a copy of the Bill which was brought in last year?—I will hand in a Bill with the alterations in red ink.*

* Printed in *italics*.

[*The Witness handed in the same, of which the following is a fac-simile:*]

A BILL to alter and amend the Law relating to Contracts of Service between Master and Servant.

Preamble. WHEREAS it is expedient that the law relating to the determining of complaints between masters and their servants arising under their contract of service should be amended, and that further provision should be made for the determining of such complaints: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited for all purposes as "The Masters and Servants Amendment Act, 1864."

Interpretation of terms. 2. The following words in this Act shall have the meanings hereby assigned to them, unless such meanings shall be excluded by the subject or context:

"Master" shall mean and include any person, firm, or company who has entered into a contract of service with any servant, workman, artificer, labourer, or other person:

"Servant" shall mean and include any servant, workman, artificer, labourer, or other person who has entered into a contract of service with any master:

"Contract of service" shall mean and include a contract to serve for any time, or to execute any piece of work:

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"Judge" shall mean and include the Judge of any County Court in England, the Judge of the Sheriff's Court of the City of London, and the Sheriff of any county in Scotland:

"Sheriff" in Scotland shall include Sheriff Substitute.

Complaints, by whom to be heard and determined.

3. All complaints, differences, and disputes which may arise between masters and their servants under the contract of service entered into between them, whether such contract shall be in writing or not in writing, shall be heard and determined,—

In England by the County Court Judge, or by the Judge of the Sheriff's Court of the City of London, having jurisdiction where the party against whom such complaint is made resides or carries on business; and,

In Scotland, by the sheriff of the county within which the party against whom the complaint is made resides or carries on business.

Upon complaint, judge to issue summons to party complained against.

4. When any question, difference, or dispute shall arise as to the rights or liabilities of either of the parties to a contract of service under such contract, the party feeling aggrieved may apply by complaint to the judge having jurisdiction, stating shortly the grounds of such complaint, when the judge shall issue his summons, directing the party against whom such complaint is made to appear before him at a time and place to be mentioned in such summons to answer to the said complaint; and every such summons, and a copy of the complaint upon which the same proceeds, shall be served upon the person complained against, according to the forms in use for serving any summons or writ of the court from which such summons is issued.

After hearing the case, judge to pronounce his order thereupon.

5. The judge shall, at the time and place appointed by the summons issued by him as aforesaid, or at any other time or place to which he may adjourn the hearing of the case, inquire into and try such complaint, and after hearing what each party shall have to say, either in support of such complaint, or in answer thereto, and considering the evidence adduced and the whole matter, shall determine the same, and shall find the said complaint established, or dismiss the same, with such order as to costs as he may think fit; and when the judge shall find the complaint established, he may pronounce an order requiring the defendant to complete his contract, or fulfil his obligations under the same, or he may pronounce an order terminating such contract, and discharging the parties from their respective obligations in future under the same; and in every case, where the judge shall find the complaint established, and pronounce an order requiring the defendant to complete his contract as aforesaid, or fulfil his obligations under the same, he shall in such order assess and determine the damages which the complainant may sustain in the event of the defendant's failure to complete such contract, or fulfil his obligations under the same.

On failure to comply with order, judge may issue warrant of distress, &c.

6. In every case where the defendant fails to complete his contract, or fulfil his obligations under the same, as directed in the order to be pronounced as aforesaid, the judge may, upon the application of the complainant, and upon proof of such failure to the satisfaction of the court, give judgment in favour of the complainant against the defendant for payment by him to the complainant of the amount of damages assessed in such order; *and to issue his warrant or decree for the recovery of such damages by distress or poinding and sale, and imprisonment, when competent, according to the forms in use in the court from which such warrant is issued;* ~~and in case of refusal or neglect by or on the part of the defendant to pay the same within the space of twenty one days from the date of such judgment, the judge may, upon the application of the complainant, and upon proof of such refusal or neglect to the satisfaction of the court, issue his warrant to levy the same by distress and sale in England, and poinding and sale in Scotland, of the goods and chattels of such defendant, rendering to him the overplus, if any, after payment of the charges of such distress and sale.~~

Where complaint established, judge may assess damages for breach of contract.

7. In every case where the judge shall find the complaint established as aforesaid, and shall pronounce an order terminating the contract, and discharging the parties from their respective obligations in future under the same, he shall assess and determine the damages (if any) which the complainant may have sustained by reason of the defendant not having completed such contract, or fulfilled his obligations under the same, and make an order for the payment by the defendant to the complainant of the amount of damages so assessed, *and to issue his warrant or decree for the recovery of such damages by distress or poinding and sale, and imprisonment when competent, according to the forms in use in the court from which such warrant is issued,* ~~and in case of refusal or neglect by or on the part of the defendant to pay the same within the space of twenty one days from the date of such judgment, the judge may, upon the application of the complainant, and proof of such refusal or neglect to the satisfaction of the court, issue his warrant to levy the same in manner aforesaid of the goods and chattels of such defendant, rendering to him the overplus (if any) after payment of the charges of such distress and sale.~~

Parties may appear by counsel, &c.

8. It shall be lawful for the complainant or defendant, in any complaint presented under the authority of this Act, to appear in support of, or in answer to, such complaint, by his counsel, attorney, or agent.

Proceedings, &c., to be set forth on record of complaint.

Orders hereunder not to be appealed against.

9. It shall not be necessary, in any procedure under the authority of this Act, to record the evidence adduced; but on the record of the complaint shall be set forth the defendant's answer to such complaint (if any), the names of the witnesses (if any) examined upon oath or affirmation, and the orders and judgment by the judge; and no order or judgment pronounced under the authority of this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's supreme courts of record in England, or be challenged in Scotland in any process of appeal, suspension, advocation, reduction, or other process of review.

All prior Acts inconsistent herewith repealed.

10. All prior Acts relating to the recovery of wages, or the determination of complaints and disputes between masters and servants, shall be, and the same are hereby repealed, in so far as the same are inconsistent with or repugnant to the powers and provisions of this Act, but no further or otherwise.

103. Mr. Alderman *Salomons.*] Do you think that if any penal law exists, in the English sense, with regard to agricultural labour and hiring, and service, the contract should be in writing?—No; I do not think that it would be at all necessary, or perhaps desirable, to require writing on the subject; I think that it should be left to the parties themselves whether it is verbal or in writing. The law fixes a limit; if it is not in writing it can only extend for one year, and if they want to extend it to a longer period, they will put it in writing; I never saw any benefit from putting it in writing, because these matters are generally evidenced by the rules hung up at the various works throughout the country.

104. It was of agricultural labourers that I spoke. There is, no doubt, a custom in every country with regard to labourers; but, bearing in mind that the hiring is loose and diverse between various classes of farmers and gentlemen and their labourers, will you state your opinion whether, if there are penal consequences attached to the breach of a contract, that contract should be in writing?—I am not prepared to advise that it should. I think that it should be left open to the parties to do what is most convenient to themselves.

105. *Chairman.*] As to your transactions with regard to these people, are they people of one class, or of several classes?—Extending over various trades, iron moulders, iron workmen, potters, carpenters, glass-men, and others.

106. Can you say from what class of people you hear most complaints with reference to the convictions?—I think from the coal and iron trades.

107. Mr. *Jackson.*] Are you speaking of Scotland?—Over the whole of Scotland and England that would be the case.

108. You are thoroughly acquainted with those trades, are you?—I have paid very considerable attention to the subject, and therefore I think that I am in a position to say that the greatest number of complaints are with regard to the coal and iron trades; that may arise from the great number of workmen employed in relation to one particular trade.

109. Mr. *Cox.*] Will you be good enough to look at the 11 & 12 Vict. c. 43, and then at the Summary Procedure (Scotland) Act, and tell the Committee, as a lawyer, whether you see any difference between the provisions relating to the two countries?—This is a very long statute of 11 & 12 Vict.

110. Take the first and second sections of that statute, and compare them with the other statute to which you have referred?—I know that the object of the Summary Procedure Act of Scotland was to make it, as far as possible, correspond with this same section in England; whether, as a fact, it was made to do so or not is a different question.

111. You say, I think, that the law in England is, that the magistrate may either issue his summons or his warrant in the first instance, if he pleases?—Yes.

112. And it is the same in Scotland?—Yes.

113. But in Scotland you say that almost universally the magistrate issues the warrant first, and not the summons?—Yes.

114. Mr. *Lowe.*] Do I understand that you object altogether to criminal liability in respect of these contracts?—Entirely, on the part of either master or workman.

115. Therefore, your objection would not be met if you made that liability mutual. If the man had the same remedy against the master as the master has against the man, you would still object?—I should decidedly object.

116. Mr. *Cox.*] As the law is now, do you object to the workman having the power to send the master to prison under Jervis's Act, if the master does not pay the penalty which is imposed?—I wish not to be mistaken: I understood the question put to me just now to be whether we wanted the master put on the same footing as the workmen. I object to that mode of procedure in the case of the workman, but I even go the length of saying that we should object to the penalty, even if the master were also made subject to it; I do not think that on a civil contract there should be any civil liability.

117. I suppose, then, that you are in favour of the abolition of imprisonment for debt altogether?—No; in England if the damage awarded is above 40 *s.* a man can be sent to prison, but not as a criminal; in Scotland, if it is above 8 *l.* 6 *s.* 8 *d.*, he can be sent to prison, but not as a criminal; but in Scotland, if the master can get his decree, as they term it, against his workman, wherever that workman goes the master can arrest one half of his earnings, and that decree stands good for a period of 40 years.

118. You do not object to imprisonment for debt; is that so?—I do not.

119. Then, supposing that the workman obtains an order against his master for the payment of a sum of money, in your judgment does not that become a debt?—Yes.

120. Therefore, if the same sort of imprisonment were awarded for that contract debt as is awarded for a simple debt, you would not object to imprisonment?—No; it is specially provided for under the alterations in the Bill.

121. Mr. *Jackson.*] Are there no exceptional cases in which you would punish a man criminally for breach of contract?—It would be so very difficult a matter to make an exceptional law for an exceptional case, that I do not see how it could be very well accomplished, and I do not see that it would be advisable.

122. Take this case; supposing that there were a coal mine and 100 men working below, and only one engineer to work that pit, and that he decamped and left those men below, where they would remain for hours in consequence of his leaving, would you treat him civilly?—No; in Scotland that is a criminal offence.

123. Supposing that another man who was below in that pit neglected his duty, and that a blast took place; is that a civil offence?—That is a criminal offence too.

124. You would not treat him civilly?—No.

125. Then there must be exceptions to your principle, must there not?—The law has already provided for those cases.

126. Supposing that a man at a furnace for the manufacture of iron (and you know probably that the number of workmen necessary to fill those furnaces is limited) went off, and that a blast ensued, and the furnace burst in consequence; is that a civil offence?—That is a criminal offence.

127. Mr. *Lowe.*] Ought it to be a criminal offence?—I think so.

128. How would you distinguish it as such?—The law already distinguishes it.

129. Mr. *Jackson.*] Supposing that the engineer

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gineer at the top of the pit left his work, even allowing that the men were out of the pits, still all the men would lose a week's wages, perhaps, in consequence of that man's absence; is that a civil offence?—It is a civil offence.

130. Then 100 workmen's families might be left to starve in consequence of that man's going away, and yet you treat that man who has not a penny in the world as a civil offender?—It is a civil offence.

131. Ought it to be a civil offence?—That enters into a very wide question. Some time since the law on the subject was altered. By the decisions of the House of Lords in such a case as that, the master would have been responsible civilly to the workmen for the damages which they sustained through this breach of contract on the part of the engineer.

132. And yet the master could only have civil redress against this engineer, who brought all these consequences upon him; is that so?—No; the law is now altered, and where the case arises, if the workman was suited for the work which he was employed to perform by the master, the workmen have no claim for damages (for instance, in the case which you have named) against the master; they would require to go against the workman.

133. Mr. *Lowe.*] Will you tell me why you think that this criminal liability ought not to arise out of civil contracts; what is the reason which you give?—The way in which I would answer the question is this: I do not say that criminal liabilities should not arise out of civil contracts, because the instances which have been just referred to show that there are cases where criminal responsibility does arise apart from these contracts altogether.

134. That it does arise does not prove that it ought to arise; what we are on now, I apprehend, is the question of what the law ought to be?—I only object to this, that for a breach of a civil contract on the part of the workman, where he neglects to perform his work, or where circumstances prevent him from doing it, he should be able to be proceeded against as a criminal.

135. Why do you object?—I think it wrong in principle; it is a one-sided view of the law.

136. It is wrong in principle, you say; what principle does it offend against?—It is the only civil contract that I am aware of that the law attaches criminal consequences to.

137. You have mentioned several cases yourself, have you not, where the law attaches criminal consequences to the breach of civil contracts?—No; criminal consequences may arise out of civil contracts; they may arise out of what a man has done, or may fail to do; it depends upon the consequences which result from that breach, whether it is civil or criminal.

138. What are the consequences which you think will make it civil, and what are those which will not; that is the whole question?—I could not give better illustrations than have been given.

139. I do not want illustrations; I want the principle, because we have got to consider the principle; that is the object of this Committee, as I understand. Now what is the principle by which we are to distinguish whether the consequences should, or whether they should not, entail a criminal liability on a man breaking his contract?—At present, under these various statutes, criminal consequences are attached to a breach of the contract, a failing to fulfil it, without any result whatever prejudicial to third parties occurring, except it be to the master, in so far as any damage that he may sustain through it goes. Now I say that that is the only civil contract, that I am aware of, to which, for a simple breach of it, there are attached criminal consequences. Where, in the execution of work under a contract, a man may do something or neglect to do something, by means of which he endangers the lives of others, or the property of others, there may be criminal consequences attached to that. I think that there is an important distinction between the two.

140. The distinction between the two in your view is the amount of injury; is that so?—No.

141. What then is the distinction?—The nature of the injury, or the nature of the results arising out of it.

142. The injury must be either to person or to property, and both of those constitute cases of criminal liability, do they not?—It is a very difficult thing to draw the line between civil and criminal matters; in fact, the Summary Procedure Act of Scotland has attempted to draw the line between them by a special enactment, which is intended to meet the difficulty in part.

143. I want to know the principle upon which we are to go; is it that whenever injury results to persons or to property from a man's breaking his contract, there is a case of criminal liability?—He is not punished criminally for his breach of contract; he is punished under the criminal law.

144. The offence for which he is punished is the breach of contract, is it not?—No; the offence is that some injury is done to other parties as resulting out of that breach of contract.

145. Mr. Alderman *Salomons.*] You would say, as I understand you, that breach of contract simply should be considered civilly?—Yes.

146. But that if there is any damage or injury arising from that breach of contract, then that should be criminal?—Yes.

147. Let us take an illustration. Supposing that a carter, who is under a contract, discharges himself on the Saturday night, and leaves the horses on the Sunday morning without food, what would that be; would it be a civil or a criminal offence?—That would be a criminal offence.

148. Mr. *Cox.*] How do you make it out to be a criminal offence?—There would be no difficulty in a lawyer's mind in defining it, so as to show that it would be such.

149. Will you then define it as a lawyer?—It would be a case, in the first place, which would fall under the statute for cruelty to animals, and could be prosecuted as a criminal offence under that statute. It would be also a case of actual criminal offence at common law, because of the injury done to the animals, in the same way as any injury caused to a human being through neglect would be a criminal offence; as, for instance, leaving people in a pit under such circumstances that their lives would be endangered, would fall under the class of cases of criminal neglect.

150. Mr. Alderman *Salomons.*] Would you think that simple absence would be considered a criminal injury?—Clearly, if dangerous consequences resulted.

151. Mr. *Jackson.*] You stated that the miners of England formed a large portion of the aggrieved parties. Let us, by way of illustration, descend to

to a coal pit again. You are aware, I suppose, that there are different descriptions of workmen employed there; the hewers of coal, the carriers of coal, the lifters of the coal, and so on; that is, in fact, a piece of machinery in which each man is dependent on the other. Now suppose that one of these men has a contract to work at a certain amount per week, and that at present he is subject to a criminal liability if he breaks that contract, would you have him treated criminally or civilly if he breaks it?—I would have him treated civilly.

152. You would then allow the whole working of that pit to be stopped, and the machinery to be thrown out of gear by that one man?—That does not necessarily follow, because the master could immediately find another man to take the place of the one who had broken his contract.

153. I am supposing the case of a colliery situated in a district where there is constant employment to be had, and where there would be no man available to take his place; would not you treat those men who were thrown out of work as being in the same position as the horses in the case which has been just put, and say that it was cruelty to animals for a man to neglect his duty?—I can scarcely say that I follow the question.

154. One man we will suppose is essentially necessary to the others, and then he thinks fit to break his engagement; the rest are all thrown out of employment in consequence, the works are stopped, the capital is unproductive, and the workmen and their families may starve because this one man may choose to break his contract. Would you treat him civilly or criminally in such a case?—I would treat him civilly; but perhaps you will allow me to say, that I doubt very much if any one of the coal masters of Scotland or England could show such a case.

155. Mr. *Algernon Egerton.*] Let us suppose that a mine depends on a pump, as we know many mines do, and let us suppose, further, that the engineer who works the engine goes away and leaves his post, the mine will be swamped inevitably and drowned; how would you treat such a case as that?—That is not the case which was last put to me. Where any one man has an essential duty to perform, and where the whole of the lives of the other workmen in the pit are dependent upon its being performed, any breach of that man's duty, which exposes others to danger, is a criminal offence.

156. I am not speaking of the lives of the persons; every man, I will suppose, may be out of the pit, but in consequence of the engineer's going away, the whole pit may be drowned, and the other men may be thrown out of work in consequence; is that a civil or a criminal offence?—That is a civil offence.

157. Mr. *Jackson.*] Then according to your view, the man who has nothing but the clothes on his back, and from whom, therefore, no money can be obtained, may run away, and he is only to be treated civilly even if he destroys by his running away the whole of the operations that were going on at the pit?—For this reason. It is a well-recognised principle that when a party enters into a contract with another, he has before him the consequences resulting from a breach of that contract, and in a civil contract no one party asks the force of law for the purpose of enabling him to get the other to fulfil the contract that he may enter into. It may be a very difficult thing to define where the boundary line is to be drawn between what is civil and what is criminal; but a simple breach of a contract is certainly a civil matter. These cases which have now been referred to are very exceptional, and nobody would have much complaint to make about them; and indeed if they were the only cases that arose under these sections of the statute there would be no complaint before the Committee to-day.

158. You perhaps only understand the question in Scotland; you cannot, I think, be well acquainted with the state of the case in England, or you would hardly say that these questions are very exceptional?—I can say of my own knowledge that, in Scotland, in several collieries and coal districts, the men are at a minute's notice, and can leave their work whenever they please. That practice is in full operation, and is found to work beneficially to both parties.

159. Do you know that the system in England is different from that, and that in England the men are hired by the fortnight, and it is necessary for them to give a fortnight's notice?—I know that that is a thing which prevails in England greatly.

160. *Chairman.*] Has there been any change recently made in Scotland in reference to the notice?—There has been a change made in Haddingtonshire, in East Lothian, by which the contract, which was formerly for a week's notice, is now for a minute's notice.

161. Mr. *Jackson.*] Was that brought about by the men or by the masters?—It must have been done by the masters, because there was no strike about it.

162. If it is the practice in England for both masters and men to give a fortnight's notice before they separate, and if a body of these men think fit not to adhere to their contract, but to throw the whole machinery out of gear, and to throw men and families out of work, notwithstanding the fact that the consequences would be so disastrous to a vast number of their fellow creatures, you think, as I understand you, that those delinquents ought to be treated as for a civil offence?—That is the law at present.

163. I am speaking of a case where the contract is broken during the fortnight, and not at the end of it?—If the consequences to the machinery and other things will be the same at the end of the fortnight, I can see no reason why a breach of contract should be made criminal within the fortnight.

164. Is not there this consideration, that any prudent master might take the precaution during that fortnight after notice had been given to get a fresh body of men; would not his case be a very different one if these men left in the middle of the fortnight, leaving him quite unprepared to carry on the work of the colliery?—Unfortunately we are familiar with cases where the masters have not been able to get the men, and where the whole gearing, and all the other matters, have been left in the condition which has been described.

165. That has not arisen from the absence of a few of the men, I presume?—It has arisen from the existence of a greater evil than the absence of a few, namely, the absence of all.

166. I am speaking now of the absence of a few during the fortnight when they are bound to fulfil the contract, and when by their absence they drive their fellow workmen out of employment?—The men themselves, I think, should be

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the best judges in all such matters, because they know that their only remedy is against their fellow workmen; and their unanimous feeling is that they would prefer taking the responsibility of the workmen acting so, rather than continue the operation of the present criminal law.

167. Lord *Elcho.*] In how many mines in Scotland does the system of hiring by the minute prevail?—I am not prepared to say, but the Committee will get correct information on those matters from other witnesses.

168. Are you aware whether there is any provision under the rules laid down by the Inspection Act, which would meet cases such as those which have been suggested by Mr. Jackson?—I am not prepared to answer that question.

169. But either from yourself or from some other witness that information may be gained on a future day, perhaps?—That information will be communicated to the Committee. I may also explain that the whole of the carpenters and joiners in the west of Scotland are on the minute's notice system, and that in several mills in Scotland the same system is in full operation; and from inquiry which I have made, I find that the system is found to work beneficially to both parties.

170. What sort of mills are those to which you have referred; are they cotton mills?—Yes; I refer particularly to the case of Mr. Galbraith, the late Lord Provost of Glasgow; he put up a notice in reference to the subject lately.

171. Mr. *Hennessy.*] Mr. Alderman Salomons put a rather extreme case to you just now, that of a man who was a carrier and a servant, and who broke his contract with his master, and allowed his master's horses to starve; now I wish to put to you an extreme case also, that in which the master-carrier breaks his contract with the servant, and allows the servant's children to starve; what is the distinction which you would draw between the two acts; the horse is starving in the one case, and the children in the other case?—As I have already explained, in the one case the servant could be criminally prosecuted, but in the other case the servant must have recourse to the civil court, and there (if he can) establish any damage which he may have sustained from a breach of contract, and the children possibly may have starved before he is in a position to get that remedy carried into execution.

172. The death of the children would be a civil case, and the death of the horse would be a criminal one?—Clearly.

173. Such is the present law?—Yes.

Martis, 13° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Cobbett.	Lord Elcho.
Mr. Cox.	Mr. William Edward Forster.
Mr. Dalglish.	Mr. Edmund Potter.
Mr. Algernon Egerton.	Mr. Alderman Salomons.

JOHN MORGAN COBBETT, Esq. IN THE CHAIR.

Mr. Sheriff BARCLAY, called in; and Examined.

174. *Chairman.*] YOU are Sheriff, of what county?—Sheriff Substitute of Perthshire, eastern district, at Perth.

175. And your jurisdiction extends over the whole county, does it not?—It extends nominally over the whole county, but there is a division at Dunblane comprising a small portion of it; I have much the larger portion. I think that the Dunblane district has some 12 parishes; and I think that I have somewhere about 65. I have those large towns of Crieff, Blair-Gowrie, Auchterarder, and Cupar Angus, where cases of this description more frequently arise.

176. Will you describe to the Committee what is the nature of your function as sheriff substitute; have you a criminal jurisdiction and a civil one also?—Civil jurisdiction, criminal jurisdiction, jurisdiction in bankruptcy, and equity jurisdiction; and also, speaking to the Act that is before the Committee, I am *ex officio* a justice of the peace, and under that capacity alone I know the working of the Act before you.

177. In fact, we may compare you with the English justice of the peace in that respect?—In that respect.

178. Probably you are aware that this Committee is sitting for the purpose of inquiring into the state of the law as regards contracts of service between master and servant, and as to the expediency of amending the same?—I am aware of that.

179. How long have you been acting as sheriff substitute?—Thirty-six years; during four of these I was at Dunblane, the western district, the more limited portion of the county; but during that time I also had Stirling for six months, undivided; it is now divided into two districts. I had the whole of it, with Dunblane, for six months, and had a good deal of judicial practice; but since the year 1833 I have been in Perth.

180. In your office has it frequently occurred to you to have servants brought before you under the statutes for breach of contract of service?—Not as sheriff, but as justice of the peace *ex officio*. I may explain that in our county our justices (a great number of them, perhaps the best) are nonresident; others are a great distance from the seat of court, and a great number of them are very unwilling to act. I am sorry to say, that the justices in Scotland do not like to take the responsibility frequently, and they devolve a good deal of the proper justice of the peace business upon the sheriff.

181. As the justices do not act much, you have a great deal more thrown upon you in consequence; is that so?—Yes; I think almost the whole of it. I may also explain, that when the justices do act under those statutes, they generally, in cases of difficulty, consult with me as the stipendiary judge, and I am always very glad to give them an opinion; and I have become conversant with cases in that way, though not apparently the judge. It may be important for the Committee to know that, as sheriff, I have had a much more extensive practice in the common law of master and servant; and that practice has brought the conviction to my mind that a statute law is absolutely necessary, because at common law it is quite impossible to work out the contract of service; and if the Committee would bear with me, I think I could explain in a very few words why it is necessary to have a statute law in Scotland. I cannot, of course, pretend to speak as to England. The reason is this, when a breach of the contract of service takes place, if it be upon the part of the master, then there is no special difficulty. Every day I have cases of that kind, where the servant prosecutes for wages, and what are called, when they are boarded, though I believe wrongly, board wages, which means a sum for maintenance. Now, in that case, there is no difficulty. There we award damages, and these are recovered, from the fact of the master, generally speaking, having goods and effects to recover. But, in the other case, where the servant commits a breach of contract, common law, we find, cannot reach it. In the first place, there is an attempt frequently to try and enforce it, as we lawyers call it, *in formâ specifica*, by compelling the service; but we find that impossible. A petition is presented to the sheriff, not under the Act, but at common law; the servant is brought, by citation, I think, we have no power to apprehend, and a regular process ensues. If it is before me as sheriff substitute, the record is prepared in writing, the proof is taken in writing, and an appeal lies from me to the principal sheriff, at Edinburgh. If it is before

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fore the justices at common law (for they have a common law jurisdiction), an appeal lies to the Quarter Sessions. But parties generally go to the Sheriffs' Court. But the delay is so great, that frequently, before the cause is finished, the term of service is done, so that these questions are resolved frequently into the question, who shall pay the costs? But if the case is brought to a decision before Whitsunday or Martinmas, the question has arisen, how are you to enforce it? You can only enforce it by imprisonment; the servant cannot find caution, that is to say, bail to return to service, and he goes to prison as a civil debtor. I would like the Committee to observe this, because it is a great point that the master is bound to aliment him in prison, to pay a certain sum, which is fixed by the sheriff, generally sixpence or a shilling a-day, for his maintenance in prison. He remains there to the end of his term; the master has not had his service, he has had the advantage of alimenting him in the prison, and then, at the end of that time, the man walks out. Then, if we take the other mode of damages, it is very seldom that the servant has anything to meet those damages. And, therefore, I have always been of opinion that, whatever may be thought as to the Act that has been working hitherto, namely, that of George 4, a statute is necessary in Scotland, for the purpose of enforcing the contract of service between master and servant.

182. Mr. Alderman *Salomons.*] With regard to this keeping in prison, to which you have referred, is that special to a master and servant, or does it apply also to a creditor and debtor?—To all civil debtors; the distinction is, that criminal prisoners are alimented by the public funds. All civil debtors in Scotland, under a very old Scotch Act, called the Act of Grace, so far back as the 17th century (1696, cap. 32), are entitled to have aliment from their incarcerators.

183. *Chairman.*] You have stated, as I understand, that the common law is defective, and that therefore there must be, to meet the case of a servant breaking his contract with his master, some statute?—Yes.

184. Have you had experience of the working of the statutes in force for a considerable time?—For 36 years, I should say. I may mention to the Committee, as being well worth noting, the three statutes which I have taken note of, namely, the 20 Geo. 2, c. 19, passed in the year 1747; the 6 Geo. 3, c. 25, passed in the year 1776; and the 4 Geo. 4, c. 34, passed in the year 1823, extended to some other trades by the 10 Geo. 4. It so happens that all these statutes are put down in our leading Treatises on Justices, which Sheriff Tait, of Edinburgh, published in the year 1828, as not being applicable to Scotland; and I thoroughly believe that they were never intended to be applicable to it. I never knew a case under the 20 Geo. 2, or the 6 Geo. 3. The statute of George 4 is the one that we act upon; and it is a remarkable fact that, although convictions without number have gone up to our high criminal court of justiciary, there never yet has been taken that objection, that they do not apply to Scotland; but I think any Scotch lawyer, reading the statute of the 4 Geo. 4, would say that was never intended to apply to Scotland. Of course the Committee know better than I that an Act is considered to be a British Act unless it is said that it does not apply to Scotland negatively, or unless affirmatively it is said that it does apply only to England and Ireland, or some particular locality.

185. As far as Scotland was concerned, the only law that you had was the common law in these matters until the 4 Geo. 4, was it not?—That is so.

186. Will you explain to the Committee what has been the operation of the 4 Geo. 4, within your jurisdiction?—The operation of that, I think, has not been beneficial; I have gone to the prison books before coming up, in order to see how many commitments there might be of servants in the Perth district, during a certain number of years; and, with the leave of the Committee, I will give the number, as I think it might be important: I find that, from the year 1855 to the year 1863, there have been put in prison, under the Act of Geo. 4, for contravention, this number of servants (because it is only applicable to them) 13 males and seven females, amounting to 20, and I am sorry to say, that the keeper, who is a very intelligent man, tells me, that about one-fourth of them were juveniles. Those figures might be apt to mislead, as statistics sometimes do; these are the number who went to prison. Now, I must frankly confess, that I try as much as possible to be a peacemaker in those cases; frequently I would say, that I will myself see the master; I intercede with the master, especially in the case of agricultural servants, to take the man back instead of sending him to prison, and I am very successful. If you take the case of a ploughman getting drunk at a market, to punish him by sending him to prison would be very hard.

187. The case of the ploughman getting drunk does not come within the terms of the law with reference to contract?—Misdemeanour is the word in the 4 Geo. 4, and that is one of the difficulties of the statute of Geo. 4; it is sometimes very difficult to know exactly whether there is breach of contract, or any other misdemeanour; that word misdemeanour is a word totally unknown in Scotland; I do not say that we do not commit the offence in Scotland, but the word is unknown there as a legal term.

188. Mr. *Cox.*] Have you not some word in Scotland that you use, meaning misdemeanour?—There must be something tantamount to it, such as serious offence.

189. *Chairman.*] You stated the number that have gone to prison within a certain period; can you state the number of convictions?—These that I have given are commitments; I would say that perhaps an equal number have been brought before me, but it would not perhaps amount to commitment in their case, because it may not have proceeded to the length of conviction; the servant may have expressed contrition, and the master may say, "Well, I will take you home, and give you another chance."

190. Will you state what are the occupations of the people within your jurisdiction?—They are chiefly agricultural servants.

191. Have you no miners?—No, we have no mining; in Blairgowrie there are a great number of flax mills, and these are sometimes dealt with by a resident justice there; not many of them have come under me; I think that almost the majority are agricultural servants; I have always regretted exceedingly that the Act (I am not speaking as to whether it is a good Act or not, but,

but, be it good or bad) did not reach domestic servants, because, in common law jurisdiction, they are by far the most troublesome class of all servants, and the cases arising with domestic servants are numerous. The Committee will observe that it has been decided in Scotland, and I think in England, that a domestic servant does not fall within the Act; I have seen the anomaly; I have known of a dairy-maid along with a domestic servant in a farm-house doing something very bad; the poor woman who milked the cows was sent as a criminal to prison, while the other you could not touch; I could not see the distinction; I am, therefore, very glad to see the Bill which has been put into my hand, and which has been under your consideration; it seems to be so generally expressed as to comprehend all servants, and I think rightly.

192. What is the population, do you know, of the county over which you have jurisdiction?—Perthshire, I think, in the last census was 130,000; I think about 20,000 belong to the western district, and I think that I have about 110,000; I am speaking from memory; I shall be glad to look at the census, and if my evidence is given me I will make it exact; but I think I am correct.

193. Are the cases that you have given to the Committee all that have occurred during the eight years you have spoken of?—I have no means of getting the statistics of those that I spoke about as being compromised; I only give those which I find in the prison book; that number I got from the prison at Perth.

194. About an equal nuber of cases, as I understand you, have been compromised where contrition has been expressed, and so on?—I think so.

195. Since the statute of Geo. 4 has come into operation, has the common law been used at all?—Yes; but not so much as it was before, because, I might say, that several cases have gone to the supreme court (the Court of Session, as we call it) under the common law jurisdiction, where it was attempted to enforce the contract by imprisonment; and, in one case that I recollect well, the court was equally divided as to the power to enforce that contract by imprisonment. The law is exceedingly loose in that respect. In the cases that come before me I generally admonish the persons, and say that they ought to remain; but I have never yet (I think I am speaking correctly) sent a servant to prison at common law, because the thing appears to me to be impracticable; but it is resorted to occasionally as a sort of terror. I am glad that that question was put, because of cases of domestic servants (I have a great number), the Act does not apply to them, and, therefore, there is no other way, when a domestic servant neglects the service, than to resort to this summary mode of procedure at common law.

196. You use the common law with reference to domestic servants at present in Scotland?—Yes.

197. Can you say in how many instances that has been used within the same period as you mentioned just now?—I should say in about half-a-dozen cases, perhaps, in a year. If it is the servant, as I said before, the servant brings an action in what we call our Small Debt Court, which has a jurisdiction to the extent of 12 *l.* (which generally is the maximum of their wages), against the master for wages, and what are termed board wages. If it is the master, he generally brings an action for damages against the servant for desertion, in the same way; but if he wants to imprison he must resort to the common law, because the Act does not apply to domestic servants.

198. I have asked you principally as yet with regard to the working of the law in the hands of the master upon the servant; what has the servant done with regard to the master in your jurisdiction?—Under the Act, nothing; there is a clause about recovery of wages which is before the justices; I never knew a case of it; it is quite inoperative with us.

199. Will you state, looking at the 4 Geo. 4 and its operation, whether you see any necessity for any change whatever?—Well, I do; because I am satisfied that that Act has given great cause of dissatisfaction among the working classes upon this principle, that while the master, failing to perform his part, can only be made civilly liable in damages, the servant is dealt with as a criminal, as a felon, and is convicted and sent to the felons' department of the prison, and alimented by the public funds; treated, in short, as a thief or a robber; and, the contract being civil, I think that the servants have good cause to complain.

200. But you speak with regard to a very small jurisdiction, after all, compared with the whole of Scotland, do not you?—Decidedly.

201. Can you say anything with reference to other parts of Scotland?—I have heard great complaints from my native town of Glasgow, but that is hearsay; I should not like to venture anything beyond my own experience. I have no doubt the Committee will have other witnesses before them.

202. Have you looked at the Bill that Mr. Cox and myself brought into Parliament last year?—Yes, I have.

203. You are aware that such a Bill was brought in by Mr. Cox and myself last year; and you are further aware, perhaps, that we ourselves considered that that Bill was defective with regard to the remedy that a master would have; have you had an opportuity of looking at the revised copy of the Bill, with the proposed alterations?—Yes.

204. You have looked at the copy of the Bill, as it was given in evidence before this Committee, with the proposed alterations?—I have.

205. Do you think that, as it is now proposed, it would answer the purpose that you would wish to effect?—I am doubtful of that; and my reason is, that I think that while the old Act was very one-sided, apparently in favour of the master and against the servant, this Bill, even as amended, just goes to the opposite extreme, because, under the Act, the Judge, whoever he be, be he justice or sheriff, can only award damages, and these damages, generally speaking, will be recoverable from the master, but that will be merely illusory in a great number of instances against the servant.

206. Will you state why the Bill is effective against the master rather than against the servant?—Because the master, I presume, generally speaking, has effects, or, as you call them in England, chattels from which to recover. The servant, on the other hand, generally has none. Then the Committee are aware that in Scotland (I cannot speak as to England) you cannot imprison for

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a civil debt if that debt be below 8*l.* 6*s.* 8*d.*, being equivalent in sterling money to what was once the 100*l.* Scots. Then you may say that you can arrest the servant's wages. In the first place, that assumes that he is in service; and, in the next place, by another statute, you cannot arrest a servant's wages in Scotland, except as to the excess over and above his maintenance and that of his family. Now the Committee will observe that that is a very expansive question; it depends upon the number of the family and their situation in life; therefore, in a great measure, this Bill, if passed into a law, would very much, in my humble opinion, reverse the matter, and whilst, under the present Act, the servant is treated as a criminal, a decree under this Bill will be operative, generally speaking, against the master, and be worth nothing against the servant.

207. That being your opinion of the Bill before the Committee, or rather on the Table of the House, what alteration would you propose?—I would propose this, and I can show some analagous cases where it has been done. I would have the Act abolishing imprisonment for small debts not made applicable to awards under this Bill, if it passes into law, so that, as to the master and servant, not only may you recover from their moveables, if they have any, but that you may imprison; and I am very glad to say that we have an analogy, for there is another Act, called the Arbitration Act, where, in regard to a certain number of trades, very like those under consideration here, if any question arises, the master names one person and the servant another, and, if they disagree, a third is named, and those three together fix the amount to be paid. That which I am now speaking of is done in the case of that Arbitration Act, 9 Geo. 4, c. 96 (1824).

208. Mr. *Cox.*] That only relates to job-work, does it not?—That is so; and therefore it is with us called the Weavers' Act.

209. Mr. Alderman *Salomons.*] Textile fabrics, I think, it refers to?—Yes; but you will find the pertinence of my remark immediately, because that Act, when the abolition of small debt imprisonment took place, was found quite inoperative, and a special Act of Parliament was passed (19 & 20 Vict. c. 46), declaring that this Arbitration Act, and awards under it, were not to fall under the Abolition of Imprisonment Act. That was done just with a view of making those awards coercive. That is an analogy, I think, and you would be entitled to found upon it this conclusion, that some extension of the power of imprisonment in this Act would be equally operative. Perhaps I may be allowed to say that another thing has occurred to me. I have always been very much pleased at the clause in the County Court Act of England, which gives the judge power, in the first place, to make his award payable in instalments, and then gives him the power of committal if a person does not properly implement these instalments, he being able to do so. Some such clause in this instance would make this Act remarkably workable, I think; namely, a provision that the Act abolishing imprisonment for small debts should not be held to extend to this; and that the judge should have power, as the English County Court judges have, to commit where he finds that the party has the means of paying the damages that he awards, and is not willing to do it. I think that that would make an excellent Act of it; but just now, as it stands, it occurs to me that it is one-sided, and is in favour now of the servant and against the master, while the former Act was the reverse.

210. *Chairman.*] Then, if I understand you rightly, you would deprive the justice of power to issue a warrant in the first instance; you would limit him to a summons to bring the person before him; you would then allow him to make an award as to the damage that the servant had done to the master, and then you would allow the judge to act precisely as he does in the County Court with regard to debt?—Very much the same.

211. So that he would have power to commit to prison upon a failure of paying the whole demand, or any instalments that he might say should be paid from time to time?—Yes.

212. You have complained that the common law is defective, as I understand you?—Decidedly.

213. You mean that it is defective, I presume, because of the mode of proceeding, more than anything else; the principle of the common law you would bring into the new statute?—Very much the same.

214. In fact, it is taking out what working people consider the sting, namely, having it as it is now, a criminal offence, and making it instead a civil offence with a speedy remedy?—Yes; there is one thing which I would just notice as being a very remarkable thing, and showing the truth of what I set out with, namely, that that statute was never intended for Scotland; the Committee can have no idea of the number of vexatious cases that have gone to the Court of Session and to the House of Lords; I will mention one case as an illustration. There was a case from Paisley where a person was brought up under this Act (it was an apprentice) and the agents put in the wrong section of the statute, that is to say, the one applicable to the master instead of the one applicable to the servant; and the court quashed the conviction, upon which the master brought an action of relief of damages against the agents, and the agents were found liable. That case went to the House of Lords, and a very large sum of money it cost, I believe. It is a very remarkable thing, that though the servant decidedly is treated as a criminal and as a felon, yet the procedure is of the most mixed character that I ever knew; and hence the necessity for a new Act. I may further mention, that the Court has found that it is so far criminal that the appeal must lie to the Court of Justiciary (that being our criminal court in Scotland, the same as your Queen's Bench in England,) and not to the civil court. They have held that the party is not entitled to aliment from his incarcerator but from the public funds. They hold that you cannot summon the man, you must apprehend him (which is a very harsh thing) and bring him into court, *obtorto collo.* In fact all the Act has the aspect of being criminal. At the same time they have held that it is not necessary to have the concourse of the public prosecutor. Now, it must be borne in mind that in Scotland no criminal action can be brought without the concourse of the Lord Advocate, or, what we term in Scotland, Procurator Fiscals. Unless it is at the instance or with the concourse of these public functionaries no criminal action can be brought in Scotland; but, in regard to this statute,

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it is not held necessary. Again, by the common law of the land, a criminal must be at the bar when the sentence is pronounced; the Court of Justiciary have divided, three against three, upon this last point as it relates to this statute in question. And therefore I am not surprised at the perplexity which the Act has caused; in fact the Act is surrounded with difficulties; you have, on the one hand, a number of points in which it is treated as criminal, and on the other hand you have a number of points in which it is treated as civil.

215. Mr. *Cox.*] Allow me to call your attention to the law of England; are you aware of the existence of the 11 & 12 Vict. c. 43, "An Act to facilitate the performance of the duties of Justices of the Peace within England and Wales"?—Quite so; and we had a similar one passed for Scotland last year.

216. I will read you one or two of the side notes in that Act: "In default of sufficiency of distress, justice may commit defendant to prison;" "In all cases of penalties, convictions, or orders, where the statute provides no remedy in default of distress, justice may commit defendant to prison;" is not that the very power which you were suggesting just now should be handed over to the County Court judge?—Very much the same; but I apprehend you will find that that must be speaking of Acts of Parliament where there is a power of committal given; it must be remembered that the Act which you are quoting from, is merely an Act regulating forms of procedure.

217. Do not let us proceed under a mistake: take clause 22, "And whereas by some Acts of Parliament Justices of the Peace are authorised to issue warrants of distress, to levy penalties or other sums recovered before them, by distress and sale of the offenders' goods, but no further remedy is thereby provided in case no sufficient distress be found whereon to levy such penalties; be it therefore enacted," and it goes on to enact, that where no distress is to be found, the justice may commit the defendant to prison?—That being an English Act, I have not studied it particularly, but I see now that that has the effect you state.

218. You have an Act, in almost the same words, which applies to Scotland, have you not?—I am sorry to say that it does not go the length of the English Act.

219. Is not that power given by the 21st and 22d sections of this 11th & 12th Vict. what you recommended that the County Court judge should have?—Very much the same.

220. Do you think that it would be better that the County Court judge should have this power, or that the justice should have it?—That is another branch of the subject. I observe that the former Act, under which we are acting, that is to say, the Act Geo. 4, gives the jurisdiction entirely to justices. Under the Bill which the Committee are now considering ——

221. The question which we are now upon is the law as regards master and servant, not the Bill; you have said, as I understand you, that these clauses, numbers 21 and 22, of the 11 & 12 Vict. would give the justice the power which you suggested just now should be given to the County Court judge; have you any reason for preferring the County Court judge to the justice?—When I speak of the County Court judge in Scotland, I am speaking of a sheriff like myself, he may be analogous to your County Court judge in England, and I am decidedly of opinion that the power should be given to him.

222. You tell us that the County Court judges are limited in Scotland, as regards the amount for which they can commit, to the sum of 8 *l.* 6 *s.* 8 *d.*?—Yes, in civil debts.

223. I do not know wherein your Scotch Act differs from this English Act to which I have referred; I understood that it was pretty nearly the same; here there is no limitation whatever of amount, and whether the order be upon a master to pay a servant, or upon a servant to pay a master, default being made, the master can be committed to prison just as well as the servant?—Yes; but you will observe this, that the statute which you have been reading from applies entirely to summary convictions for criminal offences

224. I think you are wrong there, and that it refers to all orders for payment of money?—I may say that I am ignorant of that English Act; the Scotch Act I am sorry to say is not so ample in many respects. I fully apprehend the meaning of your questions; there is only this point, the County Court Act gives, I think, a greater discretion to the County Court judge to exercise that power; I think, from what you read just now, that the English Act is almost absolute.

225. There is no discretion given by these clauses; but it is a power given to a justice to commit to the house of correction or common gaol for any time not exceeding three calendar months; now there the person committing would not be liable to any payment for aliment, to use, I think, your own term, but under a committal by a County Court judge would not the master or servant be liable to keep the one who was committed?—Yes.

226. Would that be right in your opinion?—That raises the question whether you are treating a servant in a civil contract as a criminal.

227. But you are treating the master in the same way are you not?—No doubt of it; but I may remind you of my remark before, that in general you will be able to recover from the master's goods.

228. We have had plenty of cases in London, at all events, where orders have been made upon masters, and masters have become bankrupts, and have not paid; do not you think it would be hard upon a servant in a case where nothing could be recovered from the master, that that servant should be obliged to pay for the master's maintenance in the prison?—No more hard than that the master should have to pay for him.

229. Do you think it would be better that the statute should contain a similar clause to this, which I have read?—I see no objection to that; but my mind was not turned to that; I directed my attention to that clause in the County Court Act, for this reason, I have regretted that we have not the power—we have not the power in our country—to commit, and my mind has been a good deal directed to that, and I thought that any objection to the proposed change of the law might be overcome by introducing a clause similar to what is in the County Court Act; I did not know of the existence of the clause you have mentioned.

230. I thought we had evidence that you had a very similar Act in Scotland to this 11th and 12th Vict.?—It should have been very similar,

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but it was very much curtailed in the Upper House, and I rather think that the clause which you read is not in the Scotch Act the same as in the English statute.

231. Having had your attention drawn to this Act, will you kindly see how far your Act in Scotland is on all fours with this English one?—I will.

232. Will you have the kindness to look at the Bill; you will see that the Bill, as originally drawn, had in it the words that are run through in black, and that it has been suggested to strike those words out for the purpose of introducing the words that are now in italics; will you be good enough to read those words that are struck out?—I have done so; I am quite aware of them.

233. Do you think that it would be better to leave those words there proposed to be struck out standing, and then to introduce clauses somewhat similar to the 21st and 22d sections of the 11th and 12th Victoria?—At all events, I consider the 21 days to be a ridiculously long space of time on a case of summary jurisdiction; if that was limited, then I should be very much pleased with it.

234. If you read the Bill, you will find that where the defendant had goods there would be a remedy, but it stops there, and it would leave a servant against a master without remedy if the master had no goods, and it would leave the master without remedy if the servant had no goods?—Yes.

235. Do not you think that it would make the Bill perfect to add such clauses as the 21st and 22d sections of the Act of Victoria?—At present I think it is a very good suggestion, but it is quite new to me, and I should like to consider it.

236. And would that be preferable to the introduction of those words you see in italics?—This is still going upon the assumption that both parties have goods to be distrained; that is often not the case.

237. I am afraid that the Honourable Chairman conveyed to you that these alterations are my suggested alterations; my suggested alterations were to leave the Bill as it stood, where it is now run through in black?—I am very pleased with the suggestion; at the same time, I should be glad to be allowed to consider it further.

238. Master and servant would then have exactly the same remedy one against the other?—Yes. I may refer, perhaps, to what crossed my mind just now, as you were speaking about the application of this Act to Scotland. I have had a good deal of communication with Mr. Oake, of the Mansion House, and you are aware, perhaps, that he had a Bill going through the House for England, altering this.

239. *Chairman.*] Do you mean in this Session?—No, last Session. He dropped that Bill, and the Scotch Bill passed through. He has not introduced it this Session. But this is a very important thing, and I am glad to have an opportunity of mentioning it. The Bill, as brought in, which resulted last year in the Act which you refer to being adopted for Scotland had two admirable clauses which, I regret extremely, were struck out in the House of Lords; it places us in Scotland in a very different position from that which you enjoy in England; that is to say, that the Judge in all these cases had the power of stating a case to the Supreme Court, and the party had a power, under certain conditions, of asking for a case to the Supreme Court. The Bill, as brought in for Scotland, had these clauses; and, as I say, they were struck out, and I deeply regret it. I will tell the Committee why I regret it. I am always pleased to find that in England, in matters of toll, whether it be 2 *d.* or 3 *d.*, or more, you have the opinion of the Supreme Court, which fixes it for all England. The same is the case with the game laws and the publichouse licensing laws. In Scotland we have no such opportunity; every county rejoices in a road law and a game law and a licensing law of its own. I rather think that the other clause which has been referred to is not in the Act of Scotland, but I will look at it.

240. Mr. Alderman *Salomons.*] Do not you think that it would be of very great advantage in engagements for agricultural servants to have a written contract?—May I ask whether you mean to make it imperative it should be in writing?

241. Yes?—In the first place I am afraid that you are estimating our education much higher than that which we really possess; a great number of servants cannot write.

242. I mean that there should be something read over to the man when he made the engagement?—I have no objection; in fact, I may say that our hiring is excessively loose; servants are generally hired at markets, which is a great abomination, and destructive of the morality of the people. In England a good deal is done, I think, through registries; but in Scotland there are certain feeing markets, and the servants claim the privilege to go to these markets, and those things are done hurriedly, and sometimes done when the parties are not in a fit condition to make contracts. If you had a law like the Statute of Frauds, requiring writing, you would alarm people.

243. Do not you think that the difference of practice on various farms is such that there is no such thing as a common law for agricultural servants as there is for domestic servants?—That is so; then, of course, the agreement would be varied according to the district, because in my own county even there is great variety. There is one peculiar annoyance, namely, that in one part of the county there is a difference as compared with another. Our terms are not the same as are used in England; these are only Whitsunday and Martinmas. In one part they count them by the old style, and a servant passing from one district to another is frequently met with questions whether it is the new style or the old style, which is the rule, so that it would be difficult to make an agreement applicable to the whole county of Perth.

244. Would not servants understand better the nature of the engagements they were making, if it were a more formal contract than that which varies from one county to another, and even from one parish to another?—There is no doubt of it; but I am afraid that you would come in contact with the prejudices of the people, they not being accustomed to the thing. If it could be done, I agree that it would save a great deal of dispute.

245. Of course, I mean servants who are engaged by term?—Yes; for six months or 12 months, I understand you to mean.

246. But, according to the statement you have made,

made, there does not appear to be any great number of breaches of contract in Scotland?—I have only given the statistics under the Act of George the 4th. I sit every day in the week, and there is scarcely a week but what I have before me some question of damages. It is extraordinary, in the case of domestic servants (because the Act does not reach them at all) to notice the number of actions at the instance of the masters, for deserting them, as in the case of agricultural servants. If the masters employ an agent, it is a very expensive mode of working under the Act of Geo. 4; it costs 3 *l.* or 4 *l.*, whereas, by the mode of taking a small debt summons, it only costs 3 *s.* or 4 *s.*

247. *Chairman.*] That which you speak of now is under the common law?—Yes, the last mentioned.

248. Mr. Alderman *Salomons.*] In altering the law, would you make any distinction between a case where damage is done to the master, and a case where a man simply leaves his service, and where no damage is done to the master?—In Scotland, we consider that all breaches of contract must more or less carry with them damage; the amount of damage, of course, depends upon each particular case. In the case of a servant leaving in the time of harvest or seed-time, for instance, the damage would be a great deal more than if the servant left in the snows of winter.

249. To come back to the word "contract," which you use so much, is it not exceedingly difficult on the part of a servant to establish his case against the master; in the cases of these breaches of contract do not the masters always come before the court with great advantages over the servants?—At one time that was so, no doubt, but since we have had that great boon from England of parties being allowed to be witnesses in their own cause, that has been different. At one time it was a melancholy thing, no relation could be a witness; in the case of domestic servants the man, and his wife, and his family, were excluded. But now I find little difficulty in getting at the truth.

250. How would you draw the line between agricultural and domestic servants; there was the case, for example, which you spoke of, in which two servants were concerned, where one was a dairywoman and the other was a servant, and you considered the one servant an agricultural servant and the dairywoman a domestic servant?—It was the reverse; the dairywoman was the agricultural servant, and the other was the housemaid.

251. Are you sure that you put it in that way?—I hope I did; I may have made a *lapsus*; if so, I shall be happy to be corrected.

252. Mr. *Cox.*] You have seen a definition, probably, of the terms of this Bill?—Yes.

253. It would include servants of every description, domestic as well as otherwise, would it not?—Yes.

254. Does it strike you that there is any trade, business or occupation which it would be desirable to exempt from the operation of this proposed Bill?—Really I do not know. I presume, of course, that it is not meant to include professions, such as the legal and medical professions.

255. "Servants shall mean and include any servant, workman, artificer, labourer, or other person who has entered into a contract of service with any master;" would not that include a lawyer's clerk?—I am afraid it would.

256. Would not it include a barrister's clerk?—It would, but I think it would be a pity.

257. Does it strike you, therefore, that there are any businesses that it might be desirable to exempt from the operation of this proposed Act?—Well, I think that professional persons should be exempted; I prefer that definition which you have just read, from its distinctness, and from its getting quit of that most extraordinary enumeration which is contained in the Act of Geo. 4; it is the most extraordinary piece of jargon I ever read in my life, and then it finishes with "or any other person." My own experience I may say, has chiefly been with agricultural servants; Glasgow witnesses would be better able to give evidence as to manufacturing towns; I think it would be well worth while to notice the remarkable thing in the Act of Geo. 4 about hard labour, and I am afraid that the Committee are not aware that that is one thing in which the grievance is very great; I am afraid that they are not entirely aware of what that is in Scotland; if I mistake not (I am speaking of course with all humility) in England, the visiting magistrates have the regulation of particular prisons; in Scotland, however, we are all under one general rule, and hard labour is a tremendous punishment; it consists of what is called a crank machine, where the persons are set to move a large wheel, a certain weight being attached, and unless a certain number of revolutions are made in a given time, they have neither breakfast nor dinner. Now, I have found these servants, especially females, complaining of that punishment; my own feeling is against it, from its unproductiveness; it is grinding the air. I suppose it is that which Samson was put to by the Philistines. Lately, in the Court of Justiciary, there was a case of an agricultural servant, in which the justice, thinking perhaps of this severe punishment of grinding, left out the hard labour, and the man appealed to the Court, on the ground that he had not got punishment enough; that he was not convicted properly, because he had not got the hard labour, and the Court quashed the conviction because he had not got that. A man in the same way might say that he ought not to be transported because he had not been hanged.

258. *Chairman.*] The conviction was not quashed I presume, because he had not got punishment enough, but because an illegal sentence was passed?—With submission I should say, that an illegal sentence would be one where the justice goes beyond the law, whereas in this case he was within it.

259. Lord *Elcho.*] Who was the adviser of that man?—I do not know; that case attracted a great deal of public attention to the question, how the man himself would have got the sentence set aside because he had not been sufficiently punished.

260. *Chairman.*] As regards this hard labour, I suppose that the surgeon in the gaol takes care that there shall be no excessive punishment?—Yes; there is another thing worth noting; picking oakum is a very degrading thing, and the punishment may be either the crank wheel, as I have just described, or picking a certain quantity of dry oakum every day.

261. Mr. *Dalglish.*] You have no power, as I understand, of interfering; you cannot send to

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prison without hard labour?—No; there are some statutes that leave a discretion, saying that it may be with or without hard labour, but in this case it is with hard labour, therefore the court recently unanimously found that the justice had no discretion. It is left to the keeper of the prison to put on the weight, "the number of revolutions and the weight to be in each case fixed by the governor with the advice of the surgeon, and proportioned to the sex, age and strength of the party at work, but the weight not to exceed 11 lbs. in any case." Under the Acts 1747 and 1776 the servant may be whipped under the phrase of "correction."

262. Lord *Elcho.*] Your experience is confined to agricultural districts, as I understand you?—A good deal; I mentioned Blairgowrie; I think that a great number of those cases marked "female" in my Return were from the flax mills in Blairgowrie.

263. And the result of your experience as a judge, and your own personal feeling as I gather is, that the state of the law in the 4 Geo. 4, by which an agricultural labourer when he breaks his contract is put practically on the same footing as a criminal offender and pickpocket, ought to be amended?—Decidedly.

264. And the way in which you think that the law could be most practicably amended is that which you have stated to this Committee, and that you believe would give protection to the servant and security to the master?—I think so; I was very much pleased when I heard what was read from the Bill just now, and I think that would meet the case, namely, that where goods cannot be got then imprisonment may follow. I was at first afraid on reading this Bill that it was just going to the opposite extreme, and that whilst the former law gave the favour to the master, and treated the servant as a criminal, the effect of this Bill would be to give immunity to the servant in so far as he had no goods to recover.

265. Is the change which you would wish to see the change suggested by yourself in a former part of your evidence, or the change proposed by Mr. Cox in questions which he has put to you?—They are very much the same thing in principle; the suggestion I made was, that if the Bill which has been read was to pass into law, no imprisonment could follow, because the damages, generally speaking, would be below 8 *l.* 6 *s.* 8 *d.*, and, therefore, I proposed that the awards of the sheriff or the county court judge should be exempted from the Act abolishing imprisonment for small debts, and that the same power should be given as exists in England in the county court to commit to prison in default of payment; but the clause, as read by Mr. Cox, is better, I think; though I have not yet turned my mind to it sufficiently.

266. Mr. *Cox.*] With that important exception, that the master would have to keep the servant while in prison, or the servant the master, but not by my proposal?—Not by your proposal, that is so.

267. Lord *Elcho.*] In the case of mines, might there not be special circumstances in which it might be necessary to make exceptions; on a former day the instance was given of a man who had charge of a pump, and who might leave his contract, and the mine be in danger of being swamped; if that did not come already under the criminal law, it might be necessary to make exceptions of that and analogous cases, might it not?—Yes; and what you have now stated is the only argument that I have been able to find for treating the servant in a different way from the master. A master may offend, and no public disadvantage ensue, but one or two agricultural servants withdrawing in seed time or harvest might be a far greater evil than the master's breach of contract; yet the Combination Act of Mr. Hume meets a good deal those cases wherever intimidation is used.

268. One ground given for the necessity of the present state of the law as regards the master is, that there may be cases where the master's whole fortune may depend upon the completion of the contract, and that if he were left suddenly by his men, in such a case he only has this remedy of distraint or imprisonment at present, and that the suffering to the men is comparatively small, whereas the loss of their services is ruinous to the master; that is one of the reasons urged for the present state of the law; how do you meet that argument?—That is an extreme case; at the same time I suspect that a lock-out on the part of the masters is pretty much in the same category.

269. Mr. Alderman *Salomons.*] Do I understand you rightly to say that, in the case of a simple contract between master and servant, an agricultural servant, for instance, you would have the law uniform, so that the servant might have the opportunity of sueing the master for wages, and that, failing goods, the master should have to go to prison; while, on the other hand, in the case of the servant, the master should be able to recover by distress, and failing that, he should go to prison?—That is decidedly my impression, that we should have one law for both parties.

270. *Chairman.*] How often do you sit in your court?—Every day in the week, except Sabbath, for summary procedure.

271. Do you go any circuit?—Yes; I have all the large towns. I have Crieff and Blairgowrie. Dunkeld, and others. I think I have six circuit towns where small debt courts are held periodically.

272. So that the parties complaining might have some time to wait?—Yes; but at any time they can bring a case to the head court, at Perth; that is a matter of their own convenience.

273. That is some distance?—Yes; but railways now have destroyed distance.

274. I mean, what conveniences are there; because, supposing complaints to be made to our county court judges in England, a master would not have an opportunity of complaining to the county court judge except once in a month, perhaps?—With us they can do it every lawful day.

275. Lord *Elcho.*] This Bill proposes to change the jurisdiction from the justice to a stipendiary magistrate, the county court judge in England, and the sheriff in Scotland. I need not ask, whether, as a sheriff, you approve of such a change as that?—I do approve of it, and without personal feeling, because I have great respect for the justices. It is remarkable how jealous our Legislature has been upon that point; I have noticed no less than 10 Acts of Parliament where just with a view of preventing the possibility of a judge being liable to suspicion special provision has been made, and it is delightful to find it. There is the Bread Act; no miller or baker can act

act as a justice in proceedings under that Act. There is the Mutiny Act; under which no military officer can act. There is the Factory Act; no proprietor of a factory can judge. There is the Salmon Act, in which no salmon proprietor can officiate. There is the Licensing Act; no publican can act in that case. There is the Road Act; no trustee (I am speaking of Scotland, I do not know about England) can act as a justice in certain trust cases. There is the Mining Act; no proprietor of a mine can act as justice. There is the Excise Acts, to which the same remark applies; also the Combination Act. Then there is the Justice of the Peace Act, in which one sweeping clause has taken out all my friends of the law, who cannot act as justices if practising in the court of the justices. There is a jealousy indicated in these statutes which it is very delightful to see. I do not mean of course to throw any imputation upon the justices, but I think that it would be a great improvement to transfer the jurisdiction from them in this case also, and I am sure that the justices would be pleased that that should be done.

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276. If that were done it would be following the principle which has been observed in all those Acts which you have mentioned?—Yes.

REPORT

FROM THE

SELECT COMMITTEE

ON

MASTER AND SERVANT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
15 *June* 1865.

370.

Under 3 *oz.*

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON THE

METROPOLIS SEWAGE AND ESSEX RECLAMATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1865.

Martis, 28° *die Februarii*, 1865.

Ordered, THAT the Bill be committed to a Select Committee of Ten, half to be nominated by The House, and half by the Committee of Selection.

Ordered, THAT it be an Instruction to the Committee on the Bill, to inquire into the most useful and profitable means of disposing of the Metropolitan Sewage on the North Side of the Thames.

Jovis, 9° *die Martii*, 1865.

Committee nominated of—

Mr. Ayrton.	Dr. Brady.
Mr. Knight.	Mr. Taverner John Miller.

Veneris, 10° *die Martii*, 1865.

Added by the Committee of Selection:

Colonel Smyth.	Mr. Clay.
Mr. Sclater-Booth.	Mr. Charles Turner.
Mr. Paget.	

Lunæ, 13° *die Martii*, 1865.

Ordered, THAT the Judge Advocate be added to the Committee.

Jovis, 16° *die Martii*, 1865.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 20° *die Martii*, 1865.

Sewage (Metropolis).—*Ordered*, THAT the Petition from Woolwich, for inquiry into the best method of Utilization, be referred to the Committee.

Jovis, 23° *die Martii*, 1865.

Sewage of Towns, &c.—*Ordered*, THAT the following documents be referred to the Committee:—1. Report of Select Committee on Sewage of Towns, First and Second; 2. Report of Select Committee on Sewage (Metropolis) 1864; 3. Report of the Royal Commission.

Sewage (Metropolis).—*Ordered*, THAT the Petition of Thomas Ellis, that the Committee on the Metropolis Sewage and Essex Reclamation Bill, may examine into and report on his plan for utilizing the Sewage, be referred to the Committee.

Jovis, 30° *die Martii*, 1865.

Ordered, THAT the Committee have power to make a Special Report.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them to The House.

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SPECIAL REPORT.

THE SELECT COMMITTEE on the METROPOLIS SEWAGE AND ESSEX RECLAMATION BILL; —— HAVE agreed to the following SPECIAL REPORT:

YOUR COMMITTEE have, pursuant to the Instruction of the House of the 28th of February, "Inquired into the most useful and profitable means of disposing of the Metropolitan Sewage on the North side of the Thames."

Your Committee have considered the most useful and profitable mode of applying the Sewage from the northern part of the Metropolis.

They have had laid before them—

The Report of the Select Committee of 1862, appointed to inquire into the best means of utilising the Sewage of the Cities and Towns of England, with a view to the reduction of Local Taxation, and the benefit of Agriculture.

The Report of the Select Committee of 1864, appointed to inquire into any Plans for dealing with the Sewage of the Metropolis and other large Towns, with a view to its Utilisation to Agricultural Purposes.

The Reports of the Royal Commissioners appointed to inquire into the best mode of distributing the Sewage of Towns, and applying it to beneficial and profitable Uses.

And they have also heard witnesses submitted by the Promoters in support of their plan.

From this evidence it appears to your Committee, that the scheme brought before them by Messrs. Hope and Napier, and embodied in the Bill before the House, fulfils the following requisitions:—

It provides, in the first place, for the complete removal from the River Thames of the whole of the ordinary sewage of the northern part of the Metropolis, leaving only, on the occasion of heavy rains, a portion of the sewage still to flow into the river, but so small and exceptional that it may, for all practical purposes, be left out of consideration.

It provides, in the next place, for the irrigation by sewage in whatever quantities may be found useful, of a considerable area particularly well adapted for such a purpose, inasmuch as the natural character of the soil is light and favourable.

Moreover the low level of the district enables the sewage to be applied with very little mechanical aid, and in fact mainly by gravitation. It may also be observed that an extension of this area might be made by pumping the sewage to a moderate elevation.

Lastly, with respect to whatever portion of the sewage may not be disposed of in its course, the scheme proposes to apply it in the reclamation of a barren portion of land on the coast, in a manner recommended by experience.

The combination of these different modes of using the sewage is of great consequence in insuring at all times and seasons the beneficial application of the whole sewage, with the small exception above mentioned on the occasion of heavy rains.

Upon this evidence your Committee are of opinion that the scheme which has been submitted to them is a useful and profitable mode of applying the sewage of the northern portion of the Metropolis, and they have no reason to suppose that any more useful or profitable scheme could be devised.

30 March 1865.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 22° die Martii, 1865.

MEMBERS PRESENT:

Mr. Miller	Mr. Headlam.
Mr. Paget.	Mr. Sclater-Booth.
Mr. Knight.	Mr. Turner.
Mr. Ayrton.	Mr. Clay.

Mr. HEADLAM was called to the Chair.

METROPOLIS SEWAGE AND ESSEX RECLAMATION BILL.

Counsel:—Mr. *Denison*, Mr. *Burke*, Mr. *Granville Harcourt*, and Mr. *Horace Lloyd.*
Agents:—Messrs. *Pritt* & Co.

PETITIONS AGAINST THE BILL.

Vestry of St. Giles, Camberwell.
No parties appeared in support of this Petition.

Metropolitan Board of Works.
Counsel:—Mr. *Phinn* and Mr. *Reilly.*
Agents:—Messrs. *Dyson* & Co.

Owners, &c. on line of proposed works.
No Counsel appeared in support of this Petition.
Agent:—Mr. *Moon.*

John Oxley Parker.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Moon.*

Corporation of City of London.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Corrie.*

West Ham Local Board of Health.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Hall.*

Marquis of Salisbury.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Dyson.*

Raymond Pelly and Percy Leonard Pelly.
No person appeared in support of this Petition.

South Essex Estuary and Reclamation Company.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Dorington.*

Samuel Gurney and others.
No Counsel appeared in support of this Petition.
Agents:—Messrs. *Newall.*

Petition from Woolwich.
Specially referred to the Committee by the House.

Mr. *Denison* was heard to object to the City of London being heard upon that paragraph of their Petition which states "that the plan of utilization proposed by the said Bill is one by which the full value of the sewage cannot be realised," as being an object which ought to have been brought before, and dealt with by, the Referees; and also to the *locus standi* of the Petitioners generally against the Bill.

The room was cleared.

Motion made, and Question, "That the Promoters of this Bill, having failed to object before the Referees to the *locus standi* of the Corporation, are barred from now taking that objection before the Committee"—(Mr. *Clay*).—Put, and *agreed to.*

Motion made, and Question, "That the question of utilization of the sewage to its full value was not a question within the competeney of the Referees, and was not disposed of by their Report"—(Mr. *Sclater-Booth*).—Put, and *agreed to.*

Parties called in, and informed thereof.

Mr. *George Willoughby Hemans* sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Jovis, 23° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Ayrton.	Mr. Knight.
Mr. Paget.	Mr. Miller.
Mr. Sclater-Booth.	Dr. Brady.
Mr. Clay.	

Mr. *John Thwaites*, Mr. *John Bennett Laws*, and Professor *Way*, were severally sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Veneris, 24° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Miller.	Dr. Brady.
Mr. Clay.	Mr. Knight.
Mr. Sclater-Booth.	Mr. Ayrton.
Mr. Paget.	Mr. Turner.

Dr. *Augustus Voelcker*, Dr. *William Odling*, Mr. *Andrew Bryce*, Mr. *James Christy*, Captain *Douglas Galton*, C.E., Mr. *Cuthbert Johnson*, Mr. *James Archibald Campbell*, Mr. *Frederick Wagstaff*, and Mr. *John Oakley*, were severally sworn, and examined.

[Adjourned till Monday next, at Twelve o'clock.

Lunæ, 27° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Dr. Brady.	Mr. Sclater-Booth.
Mr. Ayrton.	Mr. Clay.
Mr. Miller.	Mr. Knight.
Mr. Paget.	

The Committee deliberated.

Parties called in.

Thomas Watershaw, *John Frederick Bateman*, *Henry William Petre*, and *William Hope*, were severally sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Martis, 28° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Miller.	Mr. Sclater-Booth.
Dr. Brady.	Mr. Clay.
Mr. Paget.	Mr. Ayrton.
Mr. Knight.	Mr. Turner.

Mr. *Ellis* was admitted to offer himself as a witness, and sworn.

Room cleared; the Committee deliberated.

Preamble amended:—Motion made, and Question put, That the Preamble of the Bill, as amended, is proved.—The Committee divided:

Ayes, 8.	Noe, 1.
Mr. Turner.	Dr. Brady.
Mr. Ayrton.	
Mr. Miller.	
Mr. Paget.	
Mr. Knight.	
Mr. Sclater-Booth.	
Mr. Clay.	
Mr. Headlam.	

Parties called in, and informed thereof.

The Committee proceeded through the Clauses of the Bill, as far as Clause 33.

[Adjourned till To-morrow, at One o'clock.

Mercurii, 29° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. HEADLAM in the Chair.

Mr. Ayrton.	Mr. Paget.
Mr. Miller.	Mr. Knight.
Mr. Sclater-Booth.	

The Committee proceeded with the Clauses of the Bill.

Clause 74 read, and amended.—Amendment proposed, after the word "occupation," to add the words "Provided that the sewage shall not be applied to the irrigation of any land within two miles of the Metropolis, as defined by the Metropolis Management Act, 1855"—(Mr. *Headlam.*)—Question, That those words be there added.—Amendment proposed to the said proposed Amendment, to leave out the word "two," in order to insert the word "three," instead thereof—(Mr. *Ayrton.*)—Question put, That the word "two" stand part of the said proposed Amendment.—The Committee divided:

Ayes, 4.	Noe, 1.
Mr. Miller.	Mr. Ayrton.
Mr. Paget.	
Mr. Headlam.	
Mr. Knight.	

Question, That the proposed words be there added—put, and *agreed to.*

Question, That Clause 74, as amended, stand part of the Bill—put, and *agreed to.*

Manuscript Clause read: "The Auditor appointed by the Metropolitan Board shall also be at liberty to inspect from time to time all minute books, correspondence, contracts, vouchers

and other documents and papers, in the possession or under the control of the Company, who shall afford him all reasonable facilities for that purpose; and if the Auditor shall report that any unnecessary or excessive expense has been incurred, or anything has been done or omitted to the prejudice of the Metropolitan Board, or their share in the profits of the Company, then the matters mentioned in that Report, and the indemnity, if any, to be paid to the Metropolitan Board by the Company in respect thereof, shall be referred to arbitration"—(Mr. *Ayrton*).—Question put, That this Clause be added to the Bill.—The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Turner.	Mr. Paget.
Mr. Ayrton.	Mr. Miller.
	Mr. Sclater-Booth.
	Mr. Knight.
	Mr. Headlam.

Manuscript Clause read: "If the main culverts shall not be completed within the period prescribed in that behalf in this Act, the concession, with all its rights and privileges, shall cease to be absolutely determined, and all the works executed on the lands of the Metropolitan Board of Works shall absolutely vest in them, freed and discharged from all claims of the Company, and the Metropolitan Board shall be entitled to divert and dispose of the sewage, or grant the same to any other person in the same manner as if the concession had not been made, and shall be at liberty to cut off all communication between the works of the Company and the property of the Metropolitan Board, without the said Company having any claim whatever to any compensation or otherwise on the Metropolitan Board in respect of the works executed or any thing done by the Company,"—(Mr. *Ayrton*).—Question, That this Clause be added to the Bill.—The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Turner.	Mr. Miller.
Mr. Ayrton.	Mr. Paget.
	Mr. Headlam.
	Mr. Knight.
	Mr. Sclater-Booth.

Mr. *G. H. Howell* sworn, and proved compliance with the Order of the House relative to publication of notices in London Newspapers.

Ordered to Report.

Special Report proposed by the Chairman, in compliance with the Instruction of the House of the 28th of February, read, as follows:

"Your Committee have, pursuant to the Instruction of the House of the 28th of February, 'Inquired into the most useful and profitable means of disposing of the Metropolitan Sewage on the North side of the Thames,' and have agreed to the following Report:

"Your Committee have, in accordance with the reference made to them by the House, considered the most useful and profitable mode of applying the Sewage from the northern part of the Metropolis.

"They have had laid before them—

"The Report of the Select Committee of 1862, appointed to inquire into the best means of utilising the Sewage of the Cities and Towns of England, with a view to the reduction of Local Taxation, and the benefit of Agriculture.

"The Report of the Select Committee of 1864, appointed to inquire into any Plans for dealing with the Sewage of the Metropolis and other large Towns, with a view to its Utilisation to Agricultural Purposes.

"The Reports of the Royal Commissioners appointed to inquire into the best mode of distributing the Sewage of Towns, and applying it to beneficial and profitable uses.

And they have also heard witnesses submitted by the Promoters in support of their plan.

"From this evidence it appears to your Committee, that the scheme brought before them by Messrs. Hope and Napier, and embodied in the Bill before the House, fulfils the following requisitions:—

"It provides, in the first place, for the complete removal from the River Thames of the whole of the ordinary sewage of the northern part of the Metropolis, leaving only, on the occasion of heavy rains, a portion of the sewage still to flow into the river, but so small and exceptional that it may, for all practical purposes, be left out of consideration.

"It provides, in the next place, for the irrigation by sewage, in whatever quantities may be found useful, of a considerable area particularly well adapted for such a purpose, inasmuch as the natural character of the soil is light and favourable.

"Moreover, the low level of the district enables the sewage to be applied with very little mechanical aid, and in fact mainly by gravitation. It may also be observed that an extension of this area might be made by pumping the sewage to a moderate elevation.

"Lastly,

"Lastly, with respect to whatever portion of the sewage may not be disposed of in its course, the scheme proposes to apply it in the reclamation of a barren portion of land on the coast, in a manner recommended by experience.

"The combination of these different modes of using the sewage is of great consequence in insuring at all times and seasons the beneficial application of the whole sewage, with the small exception above mentioned on the occasion of heavy rains.

"Upon this evidence your Committee are of opinion that the scheme which has been submitted to them is a useful and profitable mode of applying the sewage of the northern portion of the metropolis, and they have no reason to suppose that any more useful or profitable scheme could be devised."

Motion made, and Question, That this be the Report of the Committee to the House—put, and *agreed to.*

Ordered to Report.

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MINUTES OF EVIDENCE.

Mercurii, 22° *die Martii,* 1865.

MEMBERS PRESENT:

The Judge Advocate.	Mr. Knight.
Mr. Ayrton.	Mr. Taverner John Miller.
Mr. Sclater-Booth.	Mr. Paget.
Mr. Clay.	Mr. Turner.

THE JUDGE ADVOCATE IN THE CHAIR.

THE Petition of the Bill was read.

Mr. *Denison,* Q.C., Mr. *Burke,* Q.C., Mr. *Vernon Harcourt,* and Mr. *Horace Lloyd,* appeared as Counsel for the Bill.
Messrs. Pritt & Company appeared as Agents.

The following Petitions against the Bill were read:—

The Petition of the Metropolitan Board of Works.
Mr. *Phinn* and Mr. *Reilly* appeared as Counsel for the Petition.
Messrs. Dyson and Company appeared as Agents.

The Petition of owners, &c., on the line of proposed works.
No Counsel appeared at present in support of this Petition.
Mr. Moon appeared as Agent.

The Petition of John Oxley Parker.
No Counsel appeared at present in support of this Petition.
Mr. Moon appeared as Agent.

The Petition of the Corporation of the City of London.
No Counsel appeared at present in support of this Petition.
Mr. Corrie appeared as Agent.

The Petition of the West Ham Local Board of Health.
No Counsel appeared at present in support of this Petition.
Mr. Hall appeared as Agent.

The Petition of the Marquis of Salisbury.
No Counsel appeared at present in support of this Petition.
Messrs. Dyson & Company appeared as Agents.

The Petition of Raymond Pelly and Percy Leonard Pelly.
No Counsel or Agent appeared in suport of this Petition.

The Petition of the South Essex Estuary and Reclamation Company.
No Counsel appeared at present in support of this Petition.
Messrs. Dorington & Company appeared as Agents.

The Petition of the Great Eastern Railway Company.
No Counsel or Agent appeared in support of this Petition.

The Petition of Samuel Gurney and others.
No Counsel appeared at present in support of this Petition.
Mr. Newall appeared as Agent.

The Petition of the Vestry of St. Giles's, Camberwell.
No Counsel or Agent appeared in support of this Petition.

Mr. *Ellis* applied to be allowed to be heard against the Bill, and in favour of a scheme of his own for dealing with the London sewage, although he had not presented a Petition against the Bill.

Mr. *Smith* also made a similar application to be allowed to give evidence with regard to a scheme prepared by himself and Sir Charles Fox.

Mr. *Denison* and Mr. *Phinn* objected to their being heard.

The Committee room was cleared.

After some time the counsel and parties were again called in.

The *Chairman* stated that the Committee had come to a resolution that no person whose Petition against the Bill had not been referred to this Committee by order of the House could be heard against the Bill.

The *Chairman* further stated, that, with regard to the general reference, the Committee would reserve to itself the power of calling witnesses in the ordinary way, in any form and at any time that they thought fit.

Mr. *Denison* was heard to open the case on behalf of the promoters of the Bill, and in the course of his address he inquired whether the Corporation of the City of London and the Marquis of Salisbury appeared against the Preamble of the Bill.

Mr. *Corrie*, on behalf of the Corporation of the City of London, stated that he appeared against the Preamble on the allegation in his Petition, that the plan of utilisation proposed by the Bill is one by which the full value of the sewage cannot be realised.

Mr. *Nicholson*, on behalf of the Marquis of Salisbury, stated that he appeared to oppose the Preamble of the Bill.

Mr. *Denison* objected to Mr. Corrie appearing on the allegation of his Petition as to the sufficiency of the works, on the ground that any objection of that character ought to have been taken before the Referees.

Mr. *Corrie* was heard in support of his *locus standi*.

The Committee room was cleared.

After some time the counsel and parties were again called in.

The *Chairman* stated that the Committee had come to the following Resolutions:

First. That the promoters of the Bill having failed to object before the Referees to the *locus standi* of the Corporation, are debarred from now taking that objection before the Committee;

Secondly. That the question of the utilisation of the sewage to its full value was not a question within the competency of the Referees, and was not disposed of by their report.

Mr. *Denison* concluded his address in opening the case for the promoters of the Bill.

Mr. GEORGE WILLOUGHBY HEMANS, sworn; Examined by Mr. *H. Lloyd*.

Mr. *G. W. Hemans.*

22 March 1865.

1. ARE you a civil engineer, residing in Queen's-square, Westminster?—Yes.

2. And have you had some experience in works of embankment and reclamation?—I have had a good deal of that sort of experience.

3. Are you engineer to the present scheme?—Yes.

4. Have you been so since Messrs. Napier and Hope first brought it forward, which was, I think, in the year 1861?—Yes; I may add that Mr. Bateman is now associated with me as joint engineer.

5. I will ask you to go, shortly, through the description of the whole undertaking, for the information of the Committee; it consists of two parts, does it not, the construction of the culverts from London down to those sands?—Yes.

6. And then the construction of the works of embankment upon the sands themselves?—Yes, and the reclamation of the sands themselves.

7. Will you first shortly describe the culvert?—Before describing the culverts I should say that there were two objects in view in the mode of laying them out. One object is merely to form such a conduit as would take the sewage at the source and discharge it or deliver it at the end upon those sands which are to be reclaimed from the sea. If that were the only object in view, the line might have been made differently; but a second object which we had in view was in the course of that long channel, which is an aggregate of about 66 miles, to place it in such a position as to be above the surface of the country wherever it was possible, so as to let out the sewage to irrigate the lands by gravitation, and without additional pumping. The first object, that of discharge, necessitates pumping for that object alone. The level at the commencement, and the level of high water at the end, are very nearly identical; therefore there is no natural fall whatever, except the little that is gained by the fall in the Metropolitan Outfall Sewer itself, which is only a fall of 6 feet 6 inches. Therefore it is necessary to understand that all the pumping which we have to do is simply for the sake of getting a fall. The level of high water at the end and at the beginning are very nearly identical.

8. The natural fall, I believe, is this; you are 6½ feet above the level of high tide at the point of delivery at Abbey Mills, near London?—Just so.

9. And 8 feet below the level of high tide at the point of discharge upon the Maplin Sands?—The point of discharge upon the Maplin Sands is

is 8 feet below the level of high tide, and the point of intake or commencement is 6 feet 6 inches above it: that makes 14½ feet between the commencement and the outfall, and the difference is gained by pumping.

10. That would be about a foot a mile?—Yes, about a foot a mile.

11. Therefore you give the remainder by pumping at each point, of course?—I give the remainder by pumping at two convenient points, where the suction of the ground is such as to make it suitable.

12. How far is your lift or first pumping station from the beginning?—The line runs for the first 3½ miles with a fall exceeding 1 foot per mile, to facilitate getting under the Tilbury and Southend Railway. At 3½ miles the whole of the country lifts a little, and therefore it is necessary either to lift the culvert itself, or to bury it. By lifting it we obtain a command over the adjoining ground, and therefore it is lifted at that point, 20 feet high, by pumps, and the sewage follows the culvert. Therefore it is one tube below another, the first tube 3½ miles long at a general level. Then the whole culvert is lifted 20 feet, and the sewage is lifted after it by the pumps. The first 3½ miles it falls; then at the end of 3 miles the land rises, and we follow the surface of the land with the culvert, and lift it 20 feet; the whole thing is lifted 20 feet, and the sewage is lifted, of course, by the pumps.

13. Of course we are talking here of the main conduit, we leave out for the moment the branch?—Yes; we leave the branch out for the moment.

14. *Chairman.*] That 14 feet, I suppose, applies to the Stratford end?—Yes; the 6 feet 6 above high tide applies to above the Stratford end, at the commencement of the work. Perhaps I may as well continue the description of the main culvert. The second tube, which is lifted, runs on to 9½ miles, that is about 6 miles, following the surface along that 6 miles, so as to command that district, and that has a fall of 1 foot per mile. The ground then continues to rise.

15. That is about the point "N"?—About the point "N" in the word main. After the junction is the second lift, which is near the 10th mile at the letter "N." There the ground rises again, and we follow it with the culvert and by pumping, the rise there being 12 feet. From that point to the outlets on both shores there is no further pumping required, we have then attained a uniform level to give a fall of 1 foot in a mile.

16. That is 14½ feet to start with, and 32 by pumping, which makes 14½?—Yes, including the 8 feet of depression at the outlet.

17. Over a run of about 44 miles?—Yes, a regular fall of about a foot a mile.

18. If I may take No. 3 for a moment, No. 3 is a pumping station with a lift?—As to No. 3, I think perhaps I had better explain the reason for No. 3.

19. No. 3 is lifted up to the same level, is it not?—Yes, No. 3 is lifted up to the same level, and flows along with the main culvert.

20. Is there pumping also?—Yes, there is; but I will explain that by-and-by.

21. So that the whole of it goes up to the same level?—Yes; say from the letter "N" to the 10th mile. There is no more pumping, but a continuous fall in both culverts.

22. Mr. *Ayrton.*] The object of appointing the referees was to take this kind of evidence, and now you are giving this evidence exactly as if there were no referees?—I could describe the whole thing in much shorter words. These engineering details have been before the referees. I have no object in going over them again. It is quite easy to give a simple description of the project without giving the number of feet or the mileage.

23. Mr. *H. Lloyd.*] It may be important for understanding the application of the sewage to low lands that you should state it somewhat shortly. I think we have the various lengths of pipes sufficiently in the report of the referees, and the mode in which the conduit itself will be constructed. It is to be a brick conduit, is it not?—The culvert will be brick as a rule, but in passing the roads in some places iron tubes will be substituted, and in passing under the navigable branch of the Crouch a syphon will be introduced.

24. Would it be covered the whole distance so as to prevent any nuisance whatever?—The whole channel will be arched over, from one end to the other, in all parts.

25. Will it be planted, and with such slopes that you can afford all necessary accommodation works for the land owners to get from one side to the other?—Yes; I may say shortly that all the lands which are coloured green are lands in which the culvert will be more or less above the surface of the ground, and all that are white represent ridges of comparatively high land in which the culvert will be below the surface of the ground, and in which irrigation can be practised only by additional pumping; that is by pumping in detail when it is necessary to do so.

26. Of course in the parts coloured white when the conduit is once down its existence is not apparent?—Yes, in the parts coloured white the culvert will be invisible, and the farmers will have no obstruction in their operations.

27. And in the other parts, coloured green, it will be above the surface of the ground?—Yes, it will be above the surface of the ground. We have manholes left at every furlong; we propose to leave manholes in the top through which pipes can be inserted, and through which the sewage can be let out upon the lands. There is a section of it which I think the Committee might like to see, and the mode in which the culvert will be tapped (*producing the same*).

28. *Chairman.*] Is that in a place where it is at a considerable elevation above the ground?—All the parts coloured green are at an elevation above ground more or less, and this section represents the nature of the work. It is a brick barrel very similar to the work at the Northern Outfall Sewer, 10 feet diameter, built upon solid embankment of concrete in the same way that the Northern Outfall Sewer is constructed. And at every furlong, in the absence of a more detailed arrangement, it is proposed to leave a hole covered with an iron plate, and to have moveable syphons, which will be introduced whenever agreements are made for letting out the sewage, and it is continued in that way all along its course.

29. Mr. *H. Lloyd.*] And those manholes will be at every furlong?—Yes; they will be left in the first instance at every furlong, but of course they can be multiplied, if necessary, by detailed agreements.

30. Then, at the points where the sewer may be

Mr. *G. W. Hemans.*

22 March 1865.

be above the level, you will have small pumps which will pump out what may be required?—It is considered that wherever the sewer passes through the high lands represented white upon that map, with those manholes at every furlong, the farmers in possession of moveable steam-engines may bring them to the mouth of those shafts, and by agreement they may pump out the sewage, and distribute it over any amount of acres that they please; the green colour represents an average of over 100,000 acres, and the sewage may be applied to as much more, by additional pumping.

31. But for all the green part simple gravitation will do what is necessary?—Yes; simple gravitation will do it; we have nothing to do but to tap the sewer and let the sewage run.

32. That is 105,000 acres?—Yes.

33. You take the course which the country takes for the purpose of accommodating, as far as might be, all the low lands of the county of Essex, rather than take the straightest cut?—Yes. All those low lands are better suited, in an agricultural point of view, than the high lands are, and it was for that purpose and for the facility of irrigation that the line was selected.

34. What is the amount of sewage which you have to deal with?—The amount of sewage is all the sewage that occurs on the northern side of London at the present moment, with a reserve of 1½ million cubic feet per day in respect of the anticipated increase in population.

35. What is estimated to be the present amount?—The present estimate is 10,000,000 cubic feet per diem, which is equivalent to 102,000,000 tons in the year.

36. Is that excluding the days on which there is a heavy rain?—Yes; it is entirely excluding rain; it is the dry weather sewage proper.

37. You say that you can accommodate a million and a half tons there?—A million and a half cubic feet per diem, which would be about 15,000,000 tons.

38. Now will be the time to explain why you have that little branch No. 3, to pick up at the reservoir what has flowed past the Abbey Mills, instead of running direct into your conduit there?—The Metropolitan Outfall Sewer consists of three 9-feet barrels, and, of course, containing a great deal of rain-water and matters that we do not deal with. We are not able at all times to take the contents of that sewer leaving the water, and therefore we allow it to run down to the reservoir to save the construction of a new one upon the Company's project; and from thence we have that short branch to pick up the sewage that has flowed past the conduit or culvert, that is about 12,000,000 cubic feet per diem, which is about 12,000,000 tons in the year.

39. It is not in substitution for the other, which will be always used, but an assistance to it in particular states of the weather?—The main culvert will be, at certain states of the weather, quite full of water when the maximum flow comes from London, but at the other states it will be only half full, and then the quantity would be made good by the auxiliary branch.

40. As you told us, there is a similar pumping station on that branch which brings the sewage up to the proper level for a junction with the main line?—On a small scale there is a similar thing, the quantity being very much smaller than in the main culvert.

41. *Chairman.*] What is the difference in elevation between Stratford and the reservoir?—There is a fall of 6 feet 6 inches between those two points.

42. Mr. *H. Lloyd.*] I do not want to take you into engineering matters, but have you any doubt that your culvert is perfectly competent to deal with the whole of that northern sewage?—The whole of those culverts have been set out with very great care, and with the advice and assistance of Mr. Bateman and other engineers; they have been considered in every point of view, there have been drawings made of them in every position, and I believe it would be impossible to have devoted more attention and care to the designs than have been done.

43. Your branch at Rawreth, or rather your fork there, is for the purpose of conveniently carrying to the two sands, I suppose?—The ground at Rawreth is at a convenient level for making a division between the branches to each of the reclamations, and it is also at a convenient point of the River Crouch where the navigation ceases, and where it is easy to cross with the northern branch; that is the cause of the selection of that point; anything to the east of that would be rather a difficult work to carry across the Crouch.

44. I take it, first, that the south branch comes to the Maplin Sands?—Yes.

45. That is the lower patch coloured red?—Yes.

46. Or rather the sands themselves are the brown and the red, but the part to be reclaimed is the red?—The red part is the 7,000 acres that are to be taken; 15,000 or 20,000 acres is the whole area of the sands.

47. I mention this because there is a clerical error in the Report of the referees. They have given 5,000 and 3,000 as the acreage, respectively, of Maplin and Dengie, whereas it should be 7,000 for Maplin, and 5,000 for Dengie, the total being 12,000 instead of 8,000 acres, as is stated in the referees' Report?—It should be 7,000 and 5,000, instead of 5,000 and 3,000, the total being 12,000.

48. I do not ask you about matters that were fully inquired into before the referees. The whole question of the practicability of the reclamation was gone into before the referees, was it not?—Yes.

49. And your estimate was 2,100,000 *l.*?—Yes.

50. I think that there is one other question which I ought to ask you. By the assistance of pumping, what acreage can you reach, and what amount of pumping would you require to reach the acreage that you are about to make?—A very large acreage could be covered by additional pumping, about 50 feet on the summit of the ridge between Rawreth and Pitsea. A very large additional acreage indeed could be covered by pumping about 50 feet.

51. Mr. *Knight.*] That part is not now coloured green?—It is coloured white. Our culverts are there about 50 feet below the surface.

52. Mr. *Lloyd.*] Will you in that way be able to reach about 300,000 acres in the whole?—By pumping still more extensively, 300,000 acres might be commanded.

53. What would 50 feet give you?—I have not gone into any exact calculation of the quantity that 50 feet would give, but I believe that it would cover the whole of that ridge between the Crouch and the Thames, which, I think, I might take

take at 50,000 acres, probably. I mean the ridge at the 25th mile.

54. Is that just before the fork, do you mean?—Yes, just before the fork.

55. Rawreth is at the fork, a little before you come there?—Yes. There is a ridge between the Crouch and the Thames there, and our culvert is buried some 50 feet, but by additional pumping it would command all the district right and left.

56. Mr. *Ayrton.*] Will you show us the district which will be commanded by pumping?—That is not traced out exactly. I only tell you from my own knowledge of the country by the eye that it would be capable of commanding that country, that being the highest point it would shed in both directions to the two valleys.

57. Mr. *Lloyd.*] Would not the whole of both valleys be reached by that means?—Yes.

58. Both the valley of the Thames and the valley of the Crouch?—Yes.

59. *Chairman.*] Where is that?—That is about the 25th mile.

60. Mr. *Lloyd.*] Now, just a few general questions. Will this effectually carry away all the sewage of London so as to prevent its being a nuisance within the River Thames?—All the sewerage of North London would be carried away 45 miles, in round numbers, from Stratford. Therefore, it is pretty clear that between removing it that distance and utilising it upon the way no possible nuisance can ever return into the Thames.

61. I do not wish to revive debatable questions, which I hope will never be practically decided, but I think that you are one of the engineers who have some doubt as to whether Barking Creek is a sufficient distance to purify London from sewage?—I think that it is very hard to say to what extent that point will prove satisfactory, the volumes of sewage are so immense, and they are discharged on both sides of the river at Barking, that I do not think that anything but experience can tell to what extent it may still be a nuisance to London.

62. In the face of that doubt, have you any doubt at all that this would be a great public benefit to the metropolis?—It appears to me to be doing, at the expense of what may be called a foreign company, a work that possibly the metropolis might be compelled eventually to do at their own expense.

63. Do you interfere with much property on your way, or with roads or the like?—Property and roads are very little interfered with. We are, of course, buried to a great extent along the line, more than 20 miles are completely buried, and where any roads are interfered with is only at West Ham, in the neighbourhood of London, and all those have been agreed about the slopes to be given to them, and the arrangements have been settled with the surveyors of those roads. With regard to the interference with property, it is very greatly less than what a railway occasions; there will be no danger in crossing at any point whatever, and the works where the line is buried will not be seen at all; the crossing would be as usual where it is an embankment, by flattening out the slopes, the culvert may be crossed at any point that may be convenient.

64. Mr. *Clay.*] What is the greatest height of any part of the embankment?—There are some parts where we cross short valleys where it is as high as 25 feet, and for very short distances it may be 30 feet, but that is for very short distances. The average height actually along those two branches, north and south of the Crouch over the low lands, may be taken at about 15 feet, and there it commands the ground completely.

65. Mr. *H. Lloyd.*] On one or two of the lowest points, you do pass on brick arches, I believe?—Yes, at the lowest point; it is cheaper to make brick arches than to carry it on an embankment.

66. I do not know whether you have seen Lord Salisbury's petition?—Yes, I have examined Lord Salisbury's petition.

67. He says that it appears that there is no adequate security for your maintenance of the conduits, or for the preventing of their bursting. Do you apprehend that his lordship's fears upon that have any foundation?—The security for preventing bursting, I apprehend, is the same as the security that exists in the Metropolitan Outfall Sewer; our sewer will be constructed in precisely the same manner, and the interest of the company would be to keep them tight.

68. Mr. *Ayrton.*] That point the referees have decided, namely, that the works are sufficient for your scheme?—Yes.

69. Mr. *H. Lloyd.*] You told us about the manholes at every furlong, and syphons, and so on; would all that be equally applicable whether the plan to be adopted in the application of the sewage is that of applying large quantities of sewage to small areas, or to the more general distribution of the sewage over the land?—There is no question that this plan, as long as the end of the culvert exists, is applicable to any theoretical or practical system of utilising. There exists along it lands of all descriptions; there are heavy clays and light clays; there are gravelly soils and sandy soils, and alluvial soils. And all persons who are interested in trying experiments on what should be the application of the sewage, will have every facility for so doing. There are opportunities for what is called the flooding system on the reclamations at the end at Foulness, which lies very low, and which is suitable for that system; and those who like to adopt the top-dressing system with jets, can do it upon the high lands without any difficulty whatever.

70. Do you know any other plan at all by which the sewage of London can be got clear away at anything like this cost?—I have never seen any plan; there have been conversations and suggestions about involving the sewage into a multiplicity of pipes, and covering the whole surface of the country with pipes; but none of those appear to have any outlet, or any assured means of getting rid of the sewage with leases and agreements with farmers for the whole concern.

71. That in the end would cost very much more?—No doubt.

The *Chairman* stated that the Committee could not go into an examination upon engineering points.

Cross-examined by Mr. *Corrie.*

72. I am curious to know whether you have made any calculation as to the money you expect to receive, or am I to get an explanation of that from some other witness?—You had better get that from some other witness.

73. Are you not able to give me any information

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tion at all upon that?—I prefer not; I think another witness will do it better.

74. You tell me that you deliver the whole of the sewage at eight feet below high-water mark? —I beg your pardon; I did not tell you that I delivered the whole at eight feet below high water; what I meant was that the invert of the culvert was to be eight feet below, and the top of it will be above high water, so that a portion only will be below.

75. Can you give me the quantity that you would deliver above, and the quantity below high-water mark?—No; I have not divided it into those quantities; the culvert is 10 feet high, and two feet of that will be above the highest tide, and eight feet of it will be below at high tide; but of course it will all run out before it arrives at the proposed sea wall.

76. I want you, if you can, to give me something like a notion; I understood that the conduit was to be always full, or nearly so?—Yes.

77. Therefore, I should have thought, that having given the size of the conduit, you could have told me what quantity you could deliver below high-water mark?—That calculation has not been gone into, but it is perfectly immaterial, because the time of high-water is a very short period, and the sewage will be discharged to the right and left in long carriers, which will command the whole of these reclamations, and when the tide falls the sewage will flow out.

78. *Chairman.*] Would not some be drained off in the passage?—A large quantity would be drained off in the passage; we expect perhaps half, perhaps more.

79. The quantity above high-water mark at the end will depend upon the quantity disposed of in the passage?—Yes, of course.

80. Mr. *Clay.*] As to that you can make no calculation at all?—No, that is entirely a matter of arrangement; it must be distinctly understood that though it is eight feet below high-water mark at the bottom of the culvert, the whole of it runs out before you get to the sea wall; the fall of the sand is such that it is cleared out before you arrive at the proposed sea wall.

81. Mr. *Corrie.*] Do you know the area of Foulness Island?—It is about 6,000 acres.

82. Do you know the area of the green just above?—On the north of the river Crouch, it must be 12,000 by comparison; I have not got it in detail.

83. Is not it a great deal more, judging by the eye?—Foulness Island is bounded by those blue lines and a branch of the Crouch, and if you just take that and double it, it about covers the green, land where No. 1 is; it would be about 12,000 acres. I am only giving it you by the eye, as I have not taken it out in detail, but it is about 12,000.

84. I want to know whether the whole of that green land both Foulness Island and the other green is not below high-water mark?—I think that it is nearly all below high-water mark, perhaps not quite all, but a very large portion, all Foulness Island is below high-water mark.

85. Mr. *Clay.*] All that you seek to reclaim is below high-water mark?—Yes; all that we seek to reclaim is below high-water mark, and is covered at spring tide. Foulness would be covered if it were not shut out. The whole of that red is covered every spring tide.

86. Mr. *Corrie.*] I collect from those figures of yours, that the bottom of your culvert will be below Foulness Island?—No, the bottom of the culvert will be a little above the surface of Foulness Island.

87. Do you know how much Foulness Island is below high-water mark?—It varies. I suppose you might say, on an average, five feet below high-water mark.

88. And your culvert being eight feet, I want to know how you can possibly supply those two places with this sewage?—The whole body of the sewage will be above the surface of the ground.

89. Unless you go to pumping an extra 50 feet, I mean, supposing the works to remain as you have planned them, how will you supply the sewage?—The whole body of the sewage will be above the surface of the ground, and therefore can be let out at the surface.

90. We can make those calculations, having got the figures ourselves?—Here is a section of Foulness, by which you see that the whole body of the sewage is above the surface of the ground. It is shown so on the section.

91. In those irrigating works along the conduits, you have not, I believe, made any allowance for the expenses of distribution, have you, in your 2,100,000 *l*?—The distribution of the sewage is a matter which must be arranged by the farmers themselves on the green lands, as we do not compel their consent.

92. I believe that no one except very particular lands can get at it?—There is no power outside the fences of the Company.

93. Mr. *Ayrton.*] How do you mean that there is no power outside the fences of the Company? —We have no power to make compulsory cuttings outside our own fences. We expect that the farmers, through whose lands we pass, will give that facility when required. If they want the sewage they must cut trenches and allow our syphon pipes to discharge into them.

94. Do you mean that there is no power in the Bill to enable you to distribute the sewage over this green land?—There is no power to enable us to enter into these lands and cut them up; there is power to give the sewage at the margin of our fences to the farmers; they must come and take it; but there is no compulsory power to enter upon those lands.

95. No compulsory power to lay down pipes at a particular point?—None.

96. Mr. *H. Lloyd.*] There is no power for us to do that on our own mere motion, but as soon as a landowner wants the sewage, as it is only separated by the intervening lands, he can get the right of crossing those lands for the purpose of his agricultural improvements?—Yes, quite so.

97. It is not strictly in the power of the company, but it is in the power of the landowners coming to the company for sewage, and there is that distinction, that we cannot do it on our own mere motion, or on the fancy that it will be wanted. It must be the landowner who does it? —Yes.

98. Mr. *Corrie.*] It has been stated by the learned counsel, who opened the case, but you have not told us the acreage of this green land, which you say you will supply?—The acreage is about 105,000 acres.

99. How much of that can you supply, if the owners of the property cannot get at it. It is only the owners of the property on the immediate line of the conduit who can get at it. Go to the further

further end: there is a very large quantity, I should suppose of something like 10,000 acres there?—If you suppose the case of a farmer who is entirely detached from our line with intervening property between him and us, there is a clause in the Bill by which, by joint arrangements between the farmer and the Company, the pipes can be laid across the intervening property; therefore, of course, the sewage will get to any point you wish.

100. Suppose a farmer upon the borders of the Thames wishes to have it, and a farmer near your conduit does not let him come through his property, how can you deliver it to the farmer near the Thames?—It can be carried along the roads.

101. Mr. *H. Lloyd.*] I find it stated that it is to be carried along public roads, but not along private property without consent?—That is so.

102. You would have to choose a point near a public road, and take it along the public road till you got to a point where you could deliver it to the farmer on his own land, unless you could get the consent of the intervening owner?—That is so, and that answers Mr. Corrie's question.

103. Mr. *Corrie.*] It appears that you cannot go through any land unless with the consent of the owners immediately adjoining the conduit?—Yes, that is so.

104. We will take the 20,000 or 30,000 acres which are at the other end, how much of that can be supplied if the owners of land on the conduit refuse to let you go through?—It is quite clear that it is impossible for me to answer that, because it would be necessary to ascertain all the farms and divisions, and who would agree and who would not.

105. Then, how can you come before a Committee and say that you are prepared to supply 105,000 acres of land, when it may turn out that there may not be above 10,000 or 5,000?—You choose to misrepresent what I stated, which was that, under proper arrangements, the whole of the land coloured green is commanded and able to be fed by gravitation, so that you can turn it out of the pipe without pumping it over the whole of those lands which are green, and it is naturally expected that the people on those lands, when they find the value of the sewage, will be very glad to make arrangements to take it.

106. You consider that is an answer to my question?—I do, decidedly.

107. Mr. *H. Lloyd.*] There is power to go along public roads, and roads must reach every farm, there must be a way by road to some part of every farm, and therefore, by choosing the right course you must always be able to deliver the sewage to the farmer at some point?—Yes; that is my idea.

108. *Chairman.*] There is no compulsory power; you must make arrangements with the farmers?—Yes.

109. Mr. *Corrie*]. Going up to the Blackwater, that is a large area, and how is that to be supplied with sewage?—That can only be supplied by a further work.

110. That is not in this Bill?—That is not in this Bill; a further work of a short description.

111. Is that included in that imaginary 120,000 or 105,000 acres to be supplied?—That is included; it is all land below the level of the culvert. It is obvious that a small additional work would bring it into operation, and it is a work which would very probably be done by consent. The capital of the company is quite sufficient to do the work if it can be done by consent.

112. *Chairman.*] You would have to make a cutting through?—Either a cutting through, or probably a small drift tunnel would be the cheapest way of doing it; that would hurt nothing, and would be very easily done; the land is high between those two points.

113. Are they chalk hills, or what?—No; they are clay and gravel hills, and a tunnel driven through there would injure nothing, and would not be an expensive matter.

Cross-examined by Mr. *Nicholson.*

114. You say this scheme, or one like it, was brought forward in 1861?—Yes.

115. Under your auspices?—Yes.

116. What was the fate of that scheme?—The scheme fell through, from the concession of the sewage not being obtained in time to go to Parliament.

117. Then you conceive the concession of the sewage to be the very backbone of this scheme, do you?—Certainly.

118. I think you say that there will be a total fall of about 40 feet between the point of departure and the terminus?—About 46 feet.

119. The culvert will be brick?—Yes.

120. I do not think that you stated the diameter of that culvert?—About 10 feet.

121. What is the diameter of the present culvert of the Metropolitan Outlet Sewer?—There are three of nine feet each.

122. And you propose to take the contents of those three into your one?—No; I propose to take the sewage, but not the rain which they take. The rain is three times as much as the sewage; we do not want the rain, and therefore we do not take it.

123. Do I understand that the three nine-feet culverts, or any two of them, are to go to the rainfall, and are not confined to sewage?—They are all three devoted to taking a large amount of rain, which will come in mixed with the sewage at certain times.

124. The rainfall and the sewage find their way into the same culverts?—Yes.

125. And you propose to take the contents of those three, excepting rain water, into your one?—Yes.

126. How would you separate them?—I do not propose to separate them.

127. How would you get rid of the rainfall?—I let it flow on into the river.

128. Are the contents of the three culverts to find their way into your one; do I distinctly understand that?—As far as my one will take their contents.

129. How do you get rid of the rainfall, and take the sewage into your culvert?—I do with the rainfall precisely what the Board of Works do with a large quantity of rainfall, namely, let it go into the river; it is not sewage, it is water, and is not injurious.

130. But how do you sever the rainfall from the sewage?—They cannot be totally separated; but when a large amount of rainfalls and three or four times the quantity is mixed with the sewage, it is not injurious to the river.

131. Then you think that the rainfall, which is supposed to be very much in excess of the amount of sewage, will not affect the virtue of

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the sewage, supposing it to have any?—I believe that at the beginning of the rainfalls, when we shall be taking our proportion, which is about a quarter of the whole in times of heavy rain, the rain will wash up all the small sewers so thoroughly, that there will be a richer quantity of stuff brought in at that period.

132. But you do not apprehend that there will be an amount of sewage brought in by this rainfall which will bear its due proportion to the sewage, which will be sewage of itself?—I do not quite understand your question.

133. To sever the two; first you say there will be sewage proper, which you will take charge of?—Yes.

134. Then, there will be rainfall, which you do not care to concern yourself with?—Yes.

135. This rainfall will bring a certain amount of sewage you say, of necessity?—Yes.

136. Then, do you think that the amount of sewage that that will bring down will compensate for the excess of the water in the rainfall?—I think it will for a time; if the storm continues, the whole thing will be diluted.

137. You apprehend no danger whatever from the introduction of the contents of three culverts of nine feet diameter each, into your one of ten feet, under any circumstances?—We have nothing to do with that; the 10-feet culvert will take its own proportion. It does not matter whether it is a lake of 100 miles square, or whether it is three 9-feet culverts; we shall only take what our capacity will allow. It is no matter at all what the quantity in the reservoir may be.

138. Then the difference will find its way into the Thames?—On the few days when there are immense rainfalls, there is no doubt that the surplus must go into the Thames; that is understood.

139. At Barking?—Yes. It is very few days in the year when that would occur, probably about 24 days in the year.

140. What per-centage will that bear to the sewage? — In times of storm when that large quantity of rainfalls which those sewers are capable of taking when full, it would be three times the amount of the sewage, or perhaps a little more.

141. And you say that the rainfall will take of necessity more or less sewage with it?—At the beginning of a storm, I believe that the sewage will be washed up, and will make the dilution of less consequence by the scouring out of the small drains about the City; but if the storm continues, it will all be diluted.

142. A Member of the Committee asked you what was the greatest height of any portion of the works above the present surface level, and you said, I think, 30 feet?—There may be something a little more; I will not tie myself to 30 feet. I think that is about the height.

143 And you said, in answer to a question that was put to you by the learned counsel, that you proposed to plant your slopes in such a way as to allow access and all necessary accommodation for landowners?—I do not see how planting the slopes could give accommodation to the landowners.

144. That was the answer that you gave, that the slope would be planted in such a way, and be made of such a character as to allow of reasonable access to the landowners?—I did not mean to convey that it is intended at once to plant the whole of the slopes, but where we pass any property where it would be desirable for appearance to plant, it is a very easy thing to do, and we shall probably do it. The whole of the slopes will be sodded and made green.

145. And solid also, of course? — Solid, of course.

146. Will you tell me how you propose to take the landowners over 29 feet, so as to get accommodation from one part of a field severed by the embankment to the other part?—Where it is 29 feet it will go under.

Mr. *Horace Lloyd* objected to the line of cross-examination, Mr. Nicholson not being authorised to represent the landowners along the line, and as those landowners did not object, and neither did the Marquess of Salisbury,

The *Chairman* stated that that would be a matter to be discussed upon Clause 1.

147. Mr. *Nicholson.*] I am quite in order in my question, because I allege in my petition that the works are carried, I think, at a height extending to 29 feet?—The answer to that is, that at that height I can go under, because that height is merely to carry a tube to the lower level, and the tube being only 10 feet out of the 29, we have 20 feet to work underneath.

148. Is it not the fact that the embankment over Lord Salisbury's land will be a very considerable portion of it 29 feet high beyond Hornchurch?—No; a very small portion.

149. *Chairman.*] Where is Lord Salisbury's land?—It is here *(pointing out the same)*. It is necessary to keep the tube at some places at a lower level, but where it is 25 feet high, we can go under. We can give Lord Salisbury a bridge underneath, from 12 feet to 15 feet high; but through the greater part of Lord Salisbury's property is not on that embankment. It is on a five or six feet embankment. It is only across that valley.

150. Near there, there is a public road, which is to be lowered eight feet.

The *Chairman* stated that this point did not arise upon the Preamble to the Bill.

151. Mr. *Nicholson.*] I do not quite gather how you propose to supply those 150,000 acres. I think the learned counsel stated that you had compulsory powers to carry your iron pipes along the high road?—Yes.

152. Taking Purfleet, and that green land, how would you supply that district?—In the way that was stated; you would carry a conduit of some sort up to the farm that you require to get along the roads, and then irrigate the farm.

153. Have you compulsory powers to go over private roads as well as public roads?—I apprehend not; I am not quite sure about that; we can go over highways, not private roads.

154. Your compulsory power is confined to the highways?—Every farm must have some highway to it along which we can pass. I never heard of a farm which had not some highway to go to some point of it.

Re-examined by Mr. *H. Lloyd.*

155. You mentioned that in certain cases of excessive rain some of the sewage must necessarily pass into the river?—Some of the diluted sewage must pass into the river.

156. Is

156. Is it so diluted with water as to be innocuous with regard to any question of nuisance?—Certain sewage in itself is already in a highly diluted state, and when diluted again with three times its bulk of rain-water, it must be comparatively innocuous.

157. Moreover, you might suppose the Thames itself would be full at those times?—No doubt that is the principle adopted in the London drainage. A storm of half an inch in 24 hours is not attempted to be dealt with; it is allowed to run off into the river.

158. My friend who appears for the Marquis of Salisbury seemed to think there was some danger of filling your culverts too full, or of breaking them up by pressure, or something of that kind?—That is not so.

159. Then, taking the point where you pass the Marquis of Salisbury's property at the highest elevation, you say that it would not be necessary that you should give a crossing at that exact point, but a few feet from there, you could give him one very conveniently?—We could give an under crossing very conveniently almost anywhere in that valley.

160. Practically, there would be no difficulty in giving him an arch from one side to the other?—No.

161. Is it easier to do so than in the case of any railway?—Very much easier, because you can pass over without danger at any point.

162. *Chairman.*] With regard to the drainage of this land which you seek to reclaim, there would be a certain quantity of water come upon it from the sewage, and therefore the rain-water would tell upon it also?—If the whole sewage were put upon it it would be about seven feet deep; but supposing one half goes one way and one half another, you may assume three or four feet depth of sewage. An immense quantity of that would be absorbed by the green grass crops in growing, and the remainder would be let out by sluicing; it is no great matter. The whole is conveyed by a 10-feet culvert, so that two sluices of five feet each would let it out.

163. You would have to keep the salt water out too?—The salt water will never come back after it is once dammed out; the pure rain-water which falls from heaven, added to the sewage water, will very soon drive away any salt that occurs. If you reclaim a salt marsh and leave it without sewage altogether, in two or three years it would be perfectly sweet, because the fresh water running upon this salt washes it out.

164. There would be no difficulty in getting rid of the water by sluicing, notwithstanding that it lies below the level of the high tides?—None whatever; in fact, Foulness itself can only drain now at ebb tide; all Foulness is five feet under high water, and all those green lands on the east coast are under high tide, and are drained by sluicing at ebb tide.

165. Mr. *Paget.*] When you speak of four feet depth of sewage, is that at the time of high tide?—No; that is supposing that the whole of the sewage could be aggregated at once upon that, whereas, in reality, it would flow over it at the rate of half an inch at a time. If the whole sewage were present at one operation it would be, I think, between seven and eight feet deep, but it comes in by slow degrees and becomes evaporated.

166. That is, you mean if the whole of the sewage for four hours were poured over it in a quarter of an hour?—I mean the whole sewage, if it were aggregated upon the sands, would be less than eight feet deep. The natural fall of rain there is something under two feet deep, if it were all put on at once.

Mr. *G. W. Hemans.*

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167. Mr. *Ayrton.*] Can you give any description of the 50,000 acres which you say will be irrigated by pumping up to the part that is white?—I cannot. I can only tell you that standing there upon the ridge, and from what I know of the slopes, and comparing it with the area of the green land, I believe it would be that quantity. But it would require a great deal of engineering detail to give you the exact boundaries of those 50,000 acres.

168. Can you give in a general way the boundaries of it?—I could not without further inquiry. I could only give it you from general knowledge.

169. Mr. *Paget.*] Do you carry the culvert over the highest point?—No, we go under the highest point. That ridge divides the Thames from the Crouch. There are two different valleys, and that ridge divides the two valleys. We go under some property which is the highest at that point, and which would accordingly command the slopes of those valleys. I believe it would be 50,000 acres. Only the green parts have been examined scientifically, and the levels have been taken, so that I know them perfectly well, the white part, but the other would require a great deal of detailed and costly examination, and that has not be done.

170. Mr. *Ayrton.*] Can you give the Committee no accurate information with regard to the application of sewage to a more extended area than that which is marked green?—I cannot determine the areas, but I can say more. I can say that if you lift it a hundred feet you double the 100,000 acres.

171. Can you give the Committee any information with regard to the northern side of this proposed drain, beginning at that part which is marked "Stratford," and going downwards?—On the northern side the country is hilly and a great deal broken; and in order to contour it exactly, so as to give you the different areas that would be supplied by 10, 20, 50, or 100 feet of pumping, it would require a great deal of detail, which has not been gone into. But if you take that high island of white under the word "Upminster," at the eleventh mile between Upminster and the Thames, a pumping there of very much less than 50 feet would enable us to command the whole of that peninsula, which I should say, from looking at it, would contain about 7,000 or 8,000 acres.

172. And on the north of Upminster?—On the north of Upminster the country is all rising, so that it would require a great deal more pumping to command that than to command the south; if I take, say, 20 feet to command that south peninsula, I might take 20 or 40 to command an equal extent on the north, because the ground is rising.

173. Will you go on to the next white piece below, between the conduit and the Thames?—That I think you must assume to be 5,000 acres, and, speaking without the exact measurement, I should say that 15 or 20 feet of pumping would command the whole of that.

174. How far would that irrigation extend on the north side of the conduit?—On the northern side I think, as a rule, between Pitsea and London, the height to be pumped would require to be double compared with the south side.

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175. Will you now go to the next point?—The next piece is that great ridge that we traverse, and by pumping up to the top of it we could command 50,000 acres, I believe, although I have not measured it.

176. Would there be 50,000 acres between the conduit and the Thames?—No, it would be both right and left, towards the Crouch on the north, and towards the Thames on the south.

177. Will you explain how it will be with regard to the further part by Branch No. 1, where there is no green on the north side?—Along Branch No. 1 you must not tie me exactly to the number of feet, but I imagine that by pumping from 30 to 40 feet, the whole of that, which would be about 15,000 acres, would be covered; and then there is the whole of that white which lies between the two greens.

178. How far would you be able to go to the north; would you go to Oxenbury?—Towards Purleigh and Danbury; to command that country would require a greater amount of pumping. That country is a great deal of it ridge, and would require greater pumping, from 50 to 60 feet perhaps.

179. You think that by pumping it 50 feet you would command that country?—Yes, I think so.

180. Are you aware of any other equal area on the north side of the Thames that could be commanded by the same amount of pumping?—I believe there is no area which is so large as that that could be commanded with so little pumping, nor so suitable for the application of the sewage.

181. Is there any formula by which you can give us the cost of pumping for the purpose of distribution?—Taking the pumping in the rough, we may call it about 300 *l.* per annum for every foot lift for the whole of the sewage, and that is 1,000,000,000 tons.

182. *Chairman.*] Have you made a calculation of how much per foot it will cost?—There has been evidence given that you can lift 1,000 tons 50 feet for 2*s.* 4*d.* I think that is rather too large, but that evidence has been given in considerable detail by pumping engineers.

183. Do you happen to recollect about the number of cubic feet to a ton?—Thirty-six cubic feet will make a ton.

184. Mr. *Knight.*] What is the formation of that white land?—All the white land consists of clay ridges.

185. Is it London clay?—Yes, intermixed here and there with gravel; all the low land is alluvial land and gravel, and the alluvium generally resting upon sand; all those marshes along the river are very fine grass-lands, constantly covered with black cattle, and draining very well, and producing also very good grass.

186. Mr. *Clay.*] What is that dotted line from Branch No. 1?—That dotted line indicates the position of the drift that would have to be run to accommodate the green ground above; that is not in our Bill, but it is a feasible thing.

187. Mr. *Sclater-Booth.*] It has been assumed during the questions which have just been put to you, that the owners and occupiers of the land will be very anxious to obtain the benefits of this sewage?—There is every reason to think so.

188. But suppose they should not, and there should be a much less use of it made than you expect, would your calculations as to the reclamation of the sands remain unaltered and unaffected?—As to the sands, the directors of the company can deal exactly as they please with them, and they can of course apply it in the largest quantities at their command; and if they only derive from them the same proceeds that they derive at Edinburgh, the sands alone will pay the interest upon the whole concern.

189. Then this case might arise, that you might find the application of the sewage to the sands so profitable that you would be unable to spare any for the intermediate lands; are you bound by this Bill to supply any amount that may be required by the owners of the intermediate land?—I am not aware that there are any compulsory clauses as to supplying the landowners; but I am aware that the quantity of sewage at our disposal is such that it is impossible to utilise the whole of it on the acreage of the sands. For instance, the north inclosure is rich mud, and there is no sand there at all; it is all rich mud, and will require very little sewage. The south inclosure is more sandy, and it will absorb large quantities of sewage; but I can say confidently that the quantity at the disposal of the company will be much greater than they can avail themselves of upon the inclosures, and that they will be compelled to seek a market elsewhere.

190. It is quite possible, is it not, to take in a great deal more sand?—If those walls can be once made it will be quite impossible to make another large inclosure, as the limits of deviation are laid outside the works.

191. Mr. *Paget.*] Is the clay land which you go over of such a nature that it may be drained so as to be useful for the sewage to be thrown upon it?—A great many scientific men think that clay lands may be usefully treated with sewage; I believe Lord Essex has given evidence that it can be usefully applied for sewage, and the same thing has been said with regard to the lands at Malvern, where the sewage has been spread upon clay; the cost of pumping will vary from 10,000 *l.* to 13,000 *l.* a year, according to the nature of the engines used; if the engines are successful and of first-rate quality, and in every respect favourable, I believe that the total pumping of the three establishments can be done for 10,000 *l.* a year.

192. Mr. *Ayrton.*] Have you made any general estimate of the cost per acre of distributing sewage, including mains off your conduit?—Not with regard to the green lands; with regard to the sands, we think an outlay of some 3 *l.* to 5 *l.* an acre will distribute it very well.

193. I maan as regards the green lands?—I have not gone into any calculation on that point. It will depend a great deal upon the position of the farms and the distance to be traversed.

194. Then no estimate has been made either of the expense of irrigating the green land, or the probable return?—That has not been included in our estimate.

[The Witness withdrew.

[Adjourned to To-morrow, at Twelve o'clock.

Jovis, 23° *die Martii*, 1865.

MEMBERS PRESENT:

The Judge Advocate.
Mr. Ayrton.
Mr Sclater-Booth.
Dr. Brady.
Mr. Clay.
Mr. Knight.
Mr. Taverner John Miller.
Mr. Paget.
Mr. Charles Turner.

THE JUDGE-ADVOCATE IN THE CHAIR.

JOHN THWAITES, Esq., called in; and Examined by Mr. *Denison*.

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195. YOU are Chairman of the Metropolitan Board, are you not?—I am.

196. That Board was constituted in the year 1855, and, as we know, another Act was passed in 1858 with respect to it?—Yes.

197. We know also, from reading those Acts, that they both give powers to sell the sewage?—Yes.

198. What length of main drainage has been done under those Acts on the northern side?—I am not clear as to the length; probably the engineer will be able to state that.

199. You are clear, no doubt, about the cost; what you have spent?—The ultimate cost?

200. How much is it?—About 4,100,000 *l.*

201. That is what you are engaged in by contracts?—Yes.

202. *Chairman.*] Is that for the northern side?—No, for both sides.

203. Mr. *Denison.*] Can you separate them?—No, I cannot at this moment.

204. Now we will pass on to the negotiations about this matter. When did you first advertise for tenders for utilising the sewage, as we call it?—I think in the year 1860.

205. Early in the year 1860, I think?—I think it was.

206. All that you were required to do by the Acts of 1855 and 1858 was to carry the sewage down to Barking?—Yes.

207. Had your Board any intention of letting it stay at Barking without doing, if they could, anything further with it?—We have always entertained the hope that the sewage might be profitably applied to agricultural purposes from the very commencement.

208. You advertised early in 1860?—Yes.

209. You received some tenders?—Yes.

210. Was Napier & Hope's amongst them?—I believe they were.

211. And you considered it in the course of 1860, I think?—Yes.

212. Did you from a very early period form a very high opinion of that scheme, as compared with others?—That was the only scheme that we really had before us, the only result of those tenders.

213. Will you just explain that; I do not quite follow it; you had a good many other tenders, I think?—We had a great many suggestions.

214. But that was the only thing in the form of a tender?—Yes.

215. I think the thing had got so far that if nothing else had happened, a Bill might have been brought in in 1861?—What I mean by tender is, the only plan showing the ground upon which they proposed to apply the sewage, and giving an amount of detail in reference to the plan itself, which would enable the Board to form a comprehensive view of the project generally; the others were rather suggestions that the parties were willing to take the sewage, but did not define the area over which they proposed to distribute it.

216. Then what I understand from you is, that was the only business-like tender before you?—It was the most business-like.

217. This was under consideration for some time, and unless a certain Committee had been appointed, which I am coming to, a Bill might have been prepared at the end of 1861, might it not, a Bill for Parliament?—The Board adjourned in consequence of a Committee of this House being formed for the purpose of inquiring into the profitable utilisation of the sewage, in deference to that inquiry, and with a view to take advantage of any additional information to be obtained, the consideration was adjourned till the report of that Committee was issued.

218. That would be in 1862, I think?—Yes.

219. I think a Bill was actually prepared at the end of 1861, with a view to being brought before Parliament in 1862?—I believe not in time to comply with the Standing Orders.

220. That Bill was to have been a Bill on the part of Napier & Hope, I think?—Yes.

221. Then the Committee of 1862 we heard of yesterday, I need not examine you upon that, of course; you suspended your proceedings, and in 1863, after the Committee had sat and reported, you again advertised for tenders, I think?—Yes.

222. And you got some more?—Yes.

223. Were these further tenders of a more business-like form than the earlier ones?—I think not.

224. That being so, you were going on again, but again were stopped in 1864 by another Committee?—That is so.

225. That report we also had yesterday; we also had the approach to completion of your works; now then we will come to another matter:

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in the autumn of 1864, after the report of Lord Robert Montagu's Committee, did some members of your Board go to several places where schemes for utilising sewage had been in force for some time?—We did.

226. Those places were in Edinburgh, Carlisle, Croydon, and Rugby?—Yes.

227. You made inquiry, I suppose, as far as you could, into the success of those schemes?—We did.

228. You were one of the persons who went, probably?—Yes.

229. How many of your Board went?—About 24 or 25.

230. Went to all these places?—Yes.

231. That was so, was it not?—That was so.

232. When you came home, you further deliberated upon the matter, and came to a resolution in favour of adopting this scheme, did you not?—Yes.

233. By what majority?—I said yesterday close upon three to two; twenty-six to nine exactly, I think?—Yes; I think twenty-six to nine.

234. Then that agreement was drawn up between you and the promoters of this Bill?—Yes.

235. Your Board is composed of members from various parts of London; I think the City have some representatives upon it, have they not?—Three.

236. As the City are opposing us here, can you tell what view the City members took in your Board upon this question; will you tell us how they voted, whether in the majority or not?—There were two present, and both those gentlemen voted againt the scheme.

237. There are three members of the City altogether, you say?—Yes.

238. You have here, I believe, the report of 21 members, signed by the Chairman and 20 other members of your Board, who visited these places; will you hand it in? (*It was handed in.*) The agreement we have had; I need not take you through that, except that an agreement of that kind of course required a good deal of negotiation and discussion?—It did.

239. And the Metropolitan Board, I take it for granted, were anxious to get the best terms they could?—We were.

240. Having come to the agreement which is before the Committee, in the schedule to the Bill, are you satisfied the terms are good ones for the Metropolitan Board and for the ratepayers?—I think the terms are just and fair, as between the promoters and the Metropolitan ratepayers, the promoters finding the whole of the capital, and the representatives of the ratepayers really running no risk, nor finding one shilling of the capital.

241. Is this scheme, in substance, that which you found in operation, say at Edinburgh—I will not go through the other places—as regards the sands especially?—Yes.

Cross-examined by Mr. *Corrie.*

242. I believe when this scheme was originally proposed to the Board, it was merely proposed as a reclamation scheme, was it not?—I refer you to page 424 of the report of Lord Robert Montagu's Committee. I will read what was stated; this was the proposal of Messrs. Napier & Hope: "We propose to take the whole of the sewage at some convenient point on the east side of the River Lea, and starting with a regulating reservoir, to convey it in a closed brick culvert, or in iron pipes, as may be most advantageous, to the Maplin Sands and Dengie Flats, on the coast of Essex, between the mouths of the Thames and the Blackwater, and divided by the River Crouch, and which have a combined available area of from 30,000 to 40,000 acres." That was the original proposal, was it not?—Probably it was; we were always under the impression that certain portions of the sewage would be used in its passage to these points.

243. That was the impression of your Board?—Yes, distinctly.

244. I believe also when the proposal was first submitted to you, there was a proposal for a dividend of 10 per cent. preference, was there not?—I am not clear upon that point.

245. Was there not a resolution of your Board to grant it, upon those terms, in the first instance?—I am not clear, I have not refreshed my memory upon that point; I am speakng rather with reference to the present arrangement.

246. There was a committee, as I understand, of your Board called a Drainage Committee?—Yes.

247. Do you remember that that Committee recommended, in the first instance, the acceptance of a proposal, in which a 10 per cent. preference dividend was included?—It might be so.

248. You are not a chemist, I suppose?—I am not.

Cross-examined by Mr. *Nicholson.*

249. The agreement with Napier & Hope recites that "advertisements had been issued for tenders or proposals, to be made by persons desirous of contracting for deodorising or otherwise utilising the sewage conveyed to the Main Outfall from the Metropolis;" does the scheme before the Committee embrace any plan for deodorising?—No; for the simple reason, it is not necessary.

250. But the advertisements went to that?—They did.

251. Can you tell me the distance of the meadows from the town which are manured by the sewage of Edinburgh?—I am unable to say the distance.

252. Are they five miles?—I should say rather within that distance, but I am unable to speak as to the distance.

253. Is it not the fact that the flow of sewage to these meadows is very rapid?—Do you mean the flow in the ordinary channel?

254. In the channel by which it finds its way into the meadows?—Yes; I have no doubt it is.

255. Was any statement laid before you at the time, of the time the sewage took to find its way into the meadows?—No.

256. Have you seen the Maplin Sands and the Dengie Flats yourself?—I have not.

257. Do you know anything of the country coloured green on the map before you?—I do generally.

258. At Croydon, what is the condition of sewage there, you say very much those embraced by this scheme; how far is the land over which the sewage is spread from Croydon town?—I should say probably a mile, or a mile and a-half; I am not quite sure.

259. And Rugby?—A shorter distance still.

260. And Carlisle?—At Carlisle it is still shorter.

261. *Chairman.*] At Carlisle it is near, is it not?—Yes.

262. Is it meadow land?—Yes; by the River Eden.

263. Mr. *Nicholson.*] Have you directed your attention to this scheme, in a sanitary point of view?—We have.

264. Evidence was given yesterday that there would be manholes at every furlong, and nearer if necessary?—Yes.

265. Will these manholes be constantly open?—No; I should think not.

266. Will they be constantly closed?—Except when in use, as described yesterday.

267. And they are to be used for what purpose?—For the purpose of admitting parties to pump the sewage, in order to apply it to the surrounding land.

268. And, therefore, whenever the sewage is made use of by those desiring it for the purposes of their land, these manholes would be used?—Just so.

269. Have you at all considered what would be the effect of these manholes being open in that way?—I do not apprehend any mischief to the health of the inhabitants, because of the rapid flow of the sewage.

270. But the flow of the sewage is at the rate of a mile and a-half an hour, is it not?—Yes.

271. How will the rapid flow of the sewage do away with the effluvia which will necessarily arise?—No doubt to a certain extent there will be effluvia from the manholes; but I do not apprehend anything serious arising from the sewage as if it were detained for some time, and decomposition to be perfected.

272. That is to say, the ammonia may escape?—Supposing it is in a state of rest.

273. Will it not also escape, even if this sewage is finding its way at the rate of a mile and a-half an hour to the flat?—To a certain extent, undoubtedly, there will be an offensive smell from the manholes when opened; that applies, of course, to the application of sewage in any form; no system would be free from it.

274. But does it apply to sewage where the operation of deodorising is applied?—Not to that extent, undoubtedly.

275. I think there was a report last year upon an escape of effluvia from the drains at Woolwich; are you acquainted with it; was it reported at your Board?—There was a report, but it was unfounded.

276. But there was a report made?—There was a report.

277. Which complained that the health of the inhabitants had been very seriously affected by the escape of the noxious vapours?—Yes; but that was contradicted.

278. In what way?—By a medical officer having examined and reported.

279. A medical officer of the Board stated it was not the fact?—No, not at all connected with the Board.

280. Are you at all acquainted yourself with the quantity of sewage which it is calculated will be discharged in this main conduit?—Do you mean the conduit of the promoters? *J. Thwaites, Esq.* 23 March 1865.

281. Yes?—I am unable to say. It is nine feet in diameter; I do not know the discharging power of the tunnel; it depends on the fall, one foot per mile.

282. Is it intended to call the engineer of the Board in this case, do you know?—I do not.

283. Referring for one moment to the agreement with Messrs. Napier & Hope, a further recital, after the recital of the advertisements, for parties desirous of contracting for deodorising, or otherwise treating the sewage. The further recital is, that it appears to the Board, that the works proposed by Napier & Hope were to divert the sewage from the towns and render it innocuous.

284. I wish to ask, with reference to that, whether Mr. Bazalgette's scheme of carrying that Metropolitan Sewage to Barking, has answered the expectations that were formed of it?—It has; I wish to state distinctly to the Committee, so far as a general scheme of Metropolitan Drainage is concerned, that it has answered, and we have no doubt whatever that it will answer all the purposes for which it was designed; that it was essential in designing a scheme for the interception of the sewage of the metropolis and the dis-pollution of the river in the metropolis, that that scheme should be perfect in itself, apart from any system of the utilization of the sewage, because in the event of failure in the utilization of the sewage, it would be improper on our part to have designed a scheme that would have been imperfect in taking off the sewage during the 36 5days in the year. Therefore we have a system that is complete in itself, and in the event of the failure of the Bill now under consideration, the Metropolis will be relieved, as we felt ourselves bound to relieve it, under the terms of the Act of 1858, by intercepting the sewage from flowing into the river, and by discharging it at a point that would not interfere with the health of the Metropolis; at the same time having regard to the principle which governs the whole arrangement. We did from the first entertain the conviction that the sewage of the Metropolis might be applied to land profitably, and we hope with some advantages to the ratepayers themselves. Regarding the sanitary arrangements in adopting the agreement with Hope & Napier, we did have regard to the sanitary obligations (if I may so speak) of the Board. Instead of having the sewage distributed immediately around the Metropolis, whereby the wells and water-courses might become polluted, and by the effect of its application to the land, the health of the Metropolis might be impaired, we considered it an element of great advantage in the scheme now before this Committee, that it removed the sewage to a distance. At all events the question would be settled, that no injury could be sustained by the Metropolis in future. Another element in this scheme, which gave it a preference, was the fact that it proposed to traverse a part of the country where the sewage could be applied right and left of the tunnel to a very large extent, and that if it is to be applied with profit, it appeared to us to be a scheme also to accomplish that object. In the event of

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the failure of the farmers taking the sewage, we had an outlet on the sands, coloured red, where the full sewage of the north might be discharged, without one gallon being discharged into the river; that would not be the case supposing we had to adopt the system for distributing the sewage immediately round the Metropolis, because there are certain seasons of the year at which the Committee will see at once it would be impossible to apply the sewage; such as in time of frost or snow, or when the crops were ripening, and at other seasons when it would be impossible for the parties to take the whole. The surplus must be discharged at some other outlet; we preferred that the whole sewage should be discharged without injury to the Metropolis, at the points fixed by the Board themselves, Barking Creek and Crossness Point. We prefer, on principle, to free the river entirely from the sewage, and hence the preference given to this plan which is now under the consideration of this Committee.

285. *Chairman.*] You say that Mr. Bazalgette's scheme has answered up to the present moment?—It has, undoubtedly, and is in working now.

286. But I apprehend there is no sewage applied to agricultural purposes under any scheme of Mr. Bazalgette's at this moment, is there?—Not at all.

287. Mr. *Nicholson.*] One of the conditions of Mr. Bazalgette's scheme, I think, was this, that the sewage should be discharged at Barking at high water, which is 14 miles from London, and that then it would be taken a distance of 12 miles more by the outgoing tide, so that it would in fact be discharged 26 miles from London?—Yes; that is so.

288. And his opinion was that it would not find its way back to the Metropolis?—Just so.

The *Chairman* inquired of Mr. Nicholson whether he considered this point material.

Mr. *Nicholson* considered it bore upon the statement in the Preamble of the Bill.

Witness.] Allow me to say that I am not at all responsible, nor are my colleagues, for any statement made by the promoters of the Bill. I am here to state distinctly that we have no fear whatever as to discharging the sewage at the two points fixed by the Board at high tide, being carried 12 miles down the river by the same tide, and in a stream of water that would render it utterly impossible for it to return in a condition to be injurious to the Metropolis.

289. So that the operation of Mr. Bazalgette's scheme will not be at all a nuisance, or injurious to health, within the terms of the Metropolitan Management Bill of 1855?—Which we have observed.

290. There are no such words in the present Bill, I think?—I am not clear upon that; the parties are bound not to commit a nuisance in its application.

291. But are they bound so to convey away the sewage as that it shall not be a nuisance or injurious to health?—Certainly; there is a special clause for that purpose.

292. Your attention has probably been directed to the quantity of sewage which would be required for the fertilisation of land to which it is intended to be applied?—Of course, upon that question there are a variety of opinions, and I wish it to be understood by this Committee, that the Board, in adopting this scheme, has by no means committed itself either to the one theory or the other—either to the small dressings or to the large dressings. They have adopted this scheme upon this general principle, believing that the promoters, having entered into this matter at a great cost to themselves and for commercial profit, would very readily adopt any improvement in the application of the material that they are purchasing at a great cost; and that, if the large dressings were found to be unprofitable, the parties, from a motive that is common to human nature, would immediately return to the small dressings; therefore, we have no fear whatever upon that ground, but that it will be applied in the most profitable form to the land.

293. Do you know anything of the opinions that have been come to by practical men upon this subject?—I have heard and read the opinions of practical men, as well as of those whom one can scarcely conceive to be practical men, upon this subject.

294. Do you happen to know Mr. Lawes' opinion upon this subject?—Upon that point, probably, the Committee would obtain better information from witnesses who are much more competent than myself to give an opinion upon the proper quantity to be applied.

295. Before you adopted this scheme, I presume you were satisfied it was the best that could be adopted?—Yes.

296. Do you happen to know whether, in the opinion of men practically acquainted with this subject, that sewage is not applicable to arable land?—Some are of opinion that it is not.

297. Do you know of any practical man that has given an opinion that it is?—That is a matter I am not able to give an answer to.

298. Do you know the opinion of the promoters of the Bill on this subject?—Their view is, of course, to apply it to the production of grass.

299. Do you happen to know whether the greater portion of the land coloured green upon the plan is grass or arable, or do you know the nature of the soil?—That I am unable to say.

Re-examined by Mr. *Denison.*

300. About the danger to health, is there a large population along the course of this pipe where the conduit is to be?—I should think not from my knowledge of the country, so far as I am able to state.

301. I am speaking rather in ignorance, but I suppose these man holes would be something in the nature of those places that we see in the streets where men go down, and which are used for the ventilation of the sewers?—No doubt.

302. Has any evil arisen from this, do you know?—A manhole would indicate that the opening is large enough to allow a person to go down and make repairs.

303. Those flat open places in the street are obviously big enough for that purpose, and were devised for the express purpose of ventilating the sewers, were they not?—Yes; they are in all the sewers in the metropolis.

304. And they have been found an advantage rather

rather than the contrary, I believe?—No doubt of it.

305. And no kind of nuisance has been produced for the persons in London in consequence?—Not from the manholes; there have been complaints of the traps.

306. My friend has called your attention to a letter dated the 30th October 1861, from Napier & Co., but I think if you refer to the same page of the report, you will find a letter, written only a few days afterwards, from the same parties, expressly saying that the sewerage might be disposed so as to preclude all possibility of nuisance, and so on, and therefore that part of the scheme is laid before you as early as November 1861, was it not?—No doubt.

307. That, in substance, was the same as the plans now proposed?—In substance it is, but the terms are improved.

308. You mean that the terms are improved in favour of the Board, and of the ratepayers?—Yes.

309. My friend suggested that at first it was proposed by Messrs. Napier & Hope, that there should be a preference dividend of ten per cent., and that is now reduced to five; is it not?—Yes.

310. Mr. Nicholson, I thought, read something about deodorising in the advertisements, but it turns out that the term deodorising is used with reference to the sewage?—It is; we were desirous that the advertisement should be as wide as possible to admit every proposition.

311. Mr. *Ayrton.*] Has there been laid before the Board any estimate of the probable out-turn of this undertaking?—Do you mean by the promoters?

312. By anybody; by the promoters, by the officer of the Board, or by anybody?—No; I do not think we have had a specific estimate of the returns; it is quite problematical.

313. Then are we proceeding quite in the dark as to the probable out-turn of this scheme?—The parties are satisfied that they will receive a good return for the investment of their money, and if the sewage is to be utilised we believe this plan offers every facility to that object, and it is a matter of anxiety to us that we should, without further delay, have some practical illustration of the value of the sewage. We have it at Croydon, and we have it at Edinburgh, which practical examples show the large profit derived from the application of the sewage, and we hope and believe that the same result will follow the plan which is now before this Committee.

314. Then the estimates of the probable or possible out-turn at present rest entirely in the breasts of the promoters, and the Metropolitan Board have no official knowledge upon the subject, as they say?—Not beyond the examinations to which I have referred. We have so arranged the division of profit as to realise for the ratepayers the largest amount in the event of the scheme being a prosperous one.

315. But with the data there has been derived on application of the sewage in other towns and applied to the solution of this project by the Metropolitan Board, either by their own officers or of acquiring a distinct statement of its application by the promoters?—The Board has itself examined the sewage at Croydon and at Edinburgh. At Edinburgh we examined the land most carefully, and found it to be a mere sand which, we understand, was not worth half-a-crown per acre prior to the application of the sewage. We found it is now rated for parochial purposes at something like 22 *l.* per acre, and that the produce is sold every year at from 26 *l.* to 40 *l.* per acre; therefore we have a right to conclude that if a mere barren, worthless sand like that at Edinburgh can by the application of sewage be turned into profitable land, the sands here indicated upon this plan could be equally improved by the application of sewage, and that the like result would follow.

316. I mean that the deductions from these general parts have not been made, either by the Metropolitan Board or by any officer appointed by them, nor have they any accurate information on the subject?—Yes; I am telling you the deductions that we have made from our personal examination, that land not worth half-a-crown an acre has been so improved by the application of the sewage as to be worth at least 22 *l.* per acre, because it is rated for the relief of the poor and other parochial purposes at that sum; therefore, we deduce from these facts the impression that these sands in question would be equally and as usefully employed for the purpose of receiving the sewage, and that the like pecuniary result would follow.

317. According to that estimate, the sewage of 800,000 persons produces a gross income of 10,000 *l.*, and if you are then, as a rule of three sum, simply to treat the number of persons through whose means the sewage is to be disposed of, in this understanding it would give you 200,000 *l.* a-year, would it not?—That I have not gone into.

318. Then the Board have not given their attention to the general application of the fund?—I have not given my attention to it as a chemist, but as a practical man. The Board have viewed the spots where the application of sewage has taken place, and they have ascertained for themselves the results, and they infer from those two applications that have been alluded to that a large result will follow in this case. I think the other questions are rather questions for the chemist.

319. How are we to infer that the same result will be arrived at, except by an arithmetical process, the same process of calculation or estimation, or are you to make your estimate because the arithmetic would seem to bring it to about 200,000 *l.* a-year for the capital of 2,000,000 *l.*, from which the working expenses would have to be deducted and all the agricultural expenses?—The Board have dealt with it as I think any one with a business-like mind should deal with it. We are anxious for utilising the sewage for two reasons—first, to get rid of it from the metropolis; and, secondly, to apply it so as to obtain a revenue from it in relief of the rates. We advertised most extensively two or three times, throwing the whole question open to the world, inviting tenders and propositions; and the one that we have before us is certainly the most business-like proposition that we have received in answer to those advertisements.

320. Is it the case that the Board have no accurate estimate or any assumed, either upon the assumption or calculation of the out-turn of this scheme?—I do not think either the Board or any individual could fix with certainty what the result would be.

321. There is no doubt we have the return of the Board of the probable expense of the undertaking?—Of course the Board might obtain the opinion of chemists upon the matter; but the

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controversy which has been kept up now for some years shows how little one could reply upon table experiments of the value of sewage, and how we might be misled by any such experiments. We, therefore, would rather deal with the practical evidence which we have, and to which I have referred.

322. Then are the Board forming their general opinion upon the details of the sewage to the sands coloured red on the plan, or to the application of the sewage to the parts marked green?—I think it is a most important part of the scheme that the sewage should be applied on its passage, that is, to the land coloured green.

323. Will you explain to the Committee why the Board did not make it a necessary condition of any arrangement that their grantees should take powers to apply the sewage to the land between London and the parts marked red, if they thought that a material matter?—I apprehend that the promoters taking power to lay down their pipes upon any public road is really and practically sufficient for all the purposes required. There must be some public road by which a farm is approached, and there would be no difficulty whatever in laying down the pipes and supplying the parties. If it was really a valuable manure, the farmers would only be too glad to get it; probably it would increase the value of the land in the course of the tunnel.

324. Then are we to take it that it is the opinion of the Board that it is a satisfactory and proper mode in laying down the pipes for the purpose of irrigation, that they should only follow the course of the high roads?—I think the promoters must have regard to this fact, the disinclination of Parliament to grant very large powers to a public company to pass through any man's land whether he pleases or no; it might risk the passage of a measure of this kind through its several stages by raising such a question, because parties might object to have the pipes laid down on their land.

325. Then you think, notwithstanding that a Committee of the House of Commons recommended, in 1863, that it was desirable to have these powers, it was not your duty even to apply to Parliament for them?—I wish it to be understood that we are not applying to Parliament.

326. Or rather, I should say, that you should see that your lessees applied to Parliament for those powers?—That is a matter for the Committee.

327. With regard to the Metropolitan Board, I want you to explain how they felt it no part of their duty to insist upon their lessees applying to Parliament for the powers to apply the sewage to the intermediate land between the flats and London, especially having regard to the recommendation of the Report of the Select Committee of 1862, having regard to the observations made by the Committee; I want you to explain why the Metropolitan Board did not insist upon their lessees taking the powers for the application of the sewage to the lands between the flats and London?—It means one of two things; either promoters would purchase an area of land, and a very large area necessary for the application of the sewage, or they should take compulsory power to pass through any lands, whether the parties were willing or not, in order to get access to land that might lie beyond it; and we think that the parties have sufficient power to deal with the land in question by taking powers to lay down their pipes and mains in any public road, and certainly it will lessen their difficulty in passing an Act through this House and through the other House of Parliament by not seeking the powers indicated by the Honourable Member.

328. But if they do not obtain sufficient powers to distribute the sewage, does it not follow as a consequence, that they are in the hands of all the landowners along the line of the conduit, who may transfer into their own pocket all the profit from the distribution of the sewage?—That assumes the whole question that they have not taken powers; I think they have taken powers.

329. Do you think the power to put down pipes under the road is a satisfactory mode of distributing the sewage in the intermediate land, between the flats and lands?—I think it is a sufficient power at present, certainly.

330. You have stated that your Board was of opinion that it would not be consistent with the health of London to have the sewage all round it, and close to it; have you directed your attention to the fact that the promoters proposed or contemplated irrigating the land immediately upon the east of the River Lea, which is the boundary of the metropolis on the east?—They are bound to apply the sewage so as not to commit a nuisance; what I said with reference to this plan as having advantages over other plans or suggestions which were made to the Board, was this, that it did take the great bulk of the sewage away from the metropolis.

331. That would cast upon the local boards on the west side of the River Lea the trouble and responsibility of prosecuting for any nuisance that might be created on your ground, would it not?—The Secretary of State could stop it immediately, under the Act of 1858, in the event of a nuisance being created.

332. Is that clear?—It is perfectly clear.

333. Do you mean the Secretary of State could do that, without any investigation?—He would institute an investigation undoubtedly.

334. But if Parliament passes this Bill, giving the parties the right to do that, would not the Secretary of State's power be at end as regards that?—No, because that Act is recited.

335. Do not you think, having regard to the opinions of the Metropolitan Board, that it would be desirable to prevent the sewage, used for the purpose of irrigation, so near London, and immediately east of the River Lea, and make that communication begin from the outfall at Barking?—I am unable to say as to the number of inhabitants there are at that particular spot; of course, we should take care to use the powers we have under the agraement, so as to prevent any nuisance being created.

336. Do you not think it desirable to prevent irrigation coming so very close to the parishes east of the metropolis?—I do think it desirable to avoid the application of sewage immediately around the metropolis.

337. Is it the general impression of the inhabitants of the metropolis, or of the ratepayers, or the local boards, as far as you know, that they are not to incur any responsibility whatever in respect of this project?—Clearly so, and I think the agreement itself is sufficiently clear upon that point.

338. If any doubt arises upon that point, do you not think it would be desirable to clear it up now?—Undoubtedly.

339. But that is the understanding upon which the

the support of the Metropolis, so far as it has been given, has been conceded to this project, is it not?—Undoubtedly. The first proposition was that the Board should nominate one or two directors; the Board felt that it was constituted for a municipal and distinct purpose, and that it would be inconsistent with its duties under the several acts to be parties at all to any commercial undertaking; and it specially provides that it should not be deemed to be a partner, although they share in the profit, and are in no way responsible, either individually or as a body.

340. Do you think it is desirable that the Metropolitan Board should have full power to inspect the papers and accounts of this Company, so as to consider its course of proceeding?—That is specially provided for in the Bill.

341. Dr. *Brady.*] Have you formed your opinion of the profits likely to be derived from this plan from what you have seen at Edinburgh?—Yes, and at Croydon.

342. What profit do the ratepayers of Edinburgh derive from the use of the sewage?—I do not think the ratepayers of Edinburgh have derived anything from the application of the sewage.

343. Then if they were to derive any profit from it, where would be the profit that you speak of?—They do not derive a profit from the application of the sewage, for this simple reason, that the channel through which the sewage in that part of Edinburgh flows down to the sands passes beyond the boundary of that municipal authority of Edinburgh, and it is used by the owners of the land through which it passes.

344. Without their paying anything for it?—Assuredly; because the parties have a right to use the stream in its passage.

345. Are you aware over how many acres this sewage is applied at Edinburgh?—I do not recollect that.

346. Is it 360?—I do not know.

347. But you have visited the spot?—I have.

348. Can you not give a guess?—I do not like to guess in giving evidence.

349. Did you inquire how many acres were applied?—I am not able to speak with certainty as to the number of acres, therefore I had rather not answer the question.

350. Did you not think it necessary to make yourself acquainted with the number of acres?—The great object we had in visiting Edinburgh was to see the practical application of the sewage and its result, and if we ascertained the result with reference to 10 acres, it was a matter of little importance whether it applied to 50 or 500.

351. Did you observe whether the dykes, ditches, and parts around there were large participators in this sewage as well as the land?—No; but I think the application of the sewage of Edinburgh might be greatly improved; that is to say, the channel through which it flows by gravitation might be so strengthened as to prevent the lodgment or deposit which, under a high temperature, might become decomposed and give off offensive gases.

352. Then, in your opinion, there was a complete waste of sewage at Edinburgh?—Not a complete waste, but there was a waste.

353. You say this barren sand, which was only worth half-a-crown an acre, is now rated, and produces a rental of 26 *l.* a year; if that same sewage was properly applied upon proper grass and arable land, do you not think it would equally produce as much if not more profit than upon sand?—That I am unable to answer; I have not made an examination of it.

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354. You say, as practical men, you formed your opinion; what did your practical knowledge consist of?—Our practical knowledge commenced with the fact, which we ascertained, that the land at Edinburgh, or rather the waste sand, was worth not half-a-crown an acre, and that by the application of sewage it had gradually become valuable, at all events to the extent of 22 *l.* per acre, because it was rated for parochial purposes at that sum. Then I ascertained, as a practical man, that the sales which took place annually of the produce of that land resulting from the application of the sewage, was from 26 *l.* to 40 *l.* per acre, therefore, as practical men, we came to the conclusion, if we could find an equal area of sand, it could be reclaimed, and the sewage applied, and that the same result would naturally follow.

355. Why seek for sand alone?—I have just stated that one important element in the plan before the Committee is, that they have power to distribute the sewage over an area of 100,000 or 200,000 acres of land before it arrives at the point indicated by these sands; that the advantage of these sands to the promoters is this, that in the event of the farmers refusing to take the sewage, we have a permanent outlet for the sewage of the Metropolis, at all times, at all seasons, every day of the year, for the whole of sewage which is due from the northern side, that in the event of failure in its application to the ordinary grazing land, we have the practical example of Edinburgh before us that these sands can be utilised with great advantage to the ratepayers; therefore, as practical men, we attached a value to that.

356. As practical men, had you not provided for the escape of this sewage into the sea independently of this plan?—I before stated in my evidence that it was the duty of the Board, under the Act of 1858, to provide a system of interception for the sewage of the Metropolis, and to discharge it at such a point that it should not become a nuisance to the Metropolis; that it was our duty, apart from all considerations of the utilisation of the sewage, to perfect that system; hence the arrangement to discharge at Barking Creek on the north, and Crossness Point on the south; and in order to enable the Board to discharge the sewage at high tide that it might be carried direct by the same tide 12 miles below the point of discharge, so as not to return to the Metropolis, and become injurious, a system of reservoirs was established by which the sewage could be stored until the tide was in a condition to discharge it; that it would not do for us, as representing three millions of inhabitants, to disregard the sanitary condition of the Metropolis, to leave it to the risk of the application of the sewage for agricultural purposes, for parties might fail to take the whole sewage, and we should be obliged to discharge it into the river; and if we had made no such provision we should have failed in the discharge of our duty under the Act of 1858. At the same time we have from the first entertained a strong opinion that the sewage might be applied to agricultural purposes with advantage.

357. You say that you remember the Rugby experiments; now, as a practical man, I ask you were any of the gentlemen there farmers, or

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had they used sewage, or applied themselves to agriculture?—I believe some of the gentlemen were farmers and others doctors, and I believe as practical men they examined and arrived at the proper conclusion in reference to the application of the sewage.

358. What was your opinion of the system in operation at Rugby?—I consider that the system adopted at Rugby was susceptible of very great improvement; that the system of distribution in the meadows appeared to be in disuse—blocked up; that they had given up the system of hose and jets, rather adopting the principle of open cutting for the purpose of distributing the sewage by gravitation.

359. One of your reasons for giving this concession to Messrs. Napier and Hope you state was that the sewage should not be immediately applied upon lands close to London. Will you tell me any plan in which they proposed to discharge it near London?—I do not know that I can call it a plan of Mr. Ellis's, it was rather a suggestion which that gentleman made to us; I presume that he proposed to apply the sewage immediately around London, because he proposed to pump the sewage to the top of Hampstead Heath on the one side, and Shooter's Hill on the other side; at the same time I am bound to state that Mr. Ellis's founding or anticipating objections taken to the whole of the sewage of the Metropolis being pumped on to Hampstead Heath, and making that the general reservoir, the head from which he should distribute by gravitation the whole of the sewage from the north, or Shooter's Hill on the south, subsequently addressed a communication to the Board, stating that he was willing to pump into any point to be agreed upon by the Board; but as Mr. Ellis failed to indicate any point of sufficient elevation to give him a head from which he might be able to distribute the sewage, I think we have a right to conclude that he was in a difficulty in reference to that, and that Hampstead Heath on the one side, and Shooter's Hill on the other, are still the points to which he proposes to raise the sewage.

360. After his stating to you, by letter, that it was not his intention, do you still say to the Committee that you believe he had no other place to do it?—What I say to the Committee is this, that he has not suggested any other points.

361. Did he not directly state to you that was not his intention to do so?—He stated that he was willing to pump the sewage to any point to be approved by the Board.

362. Did not he state directly in a letter to you, that he did not intend to do it at Shooter's Hill or Hampstead Heath at all; that he would put it at no place except you approve of it?—Mr. Ellis at first stated, "I have mentioned that I propose to pump the sewage into covered reservoirs; these reservoirs will be placed on Hampstead Heath and Shooter's Hill;" in confirmation of that I find that his calculation of cost of his place and means of distribution, as based upon the assumption that he will pump it at Hampstead Heath on the one side and Shooter's Hill on the other, because he states in his Appendix, "This is supposed to be lifted to Hampstead Heath, 431 feet, and this is supposed to be lifted to Shooter's Hill, 412 feet;" as I find that Mr. Ellis has not revised his estimates, which would be seriously affected supposing he fixes upon any other point sufficiently high to enable him to distribute the sewage, I conclude that he had no other course in his mind that would answer his purpose, at all events that was his first proposition.

363. Why do you assume that was so; I should suppose that it was in the assuming that he would pump so high as Hampstead Heath on the one side, and Shooter's Hill on the other; how could the Board assume that he meant to carry it there, because that was only the first proposition he made, which was merely an inception of the act?—In the absence of information; I say so because Mr. Ellis has not condescended to give any information as to other points.

364. He gave evidence before a Committee last year, did he not?—He did not in that evidence indicate any other point where he could raise the sewage to.

365. At all events you state that he did not give you to understand that it was his intention not to pump it on to Hampstead Heath and Shooter's Hill?—I have not the letter before me at this moment, but I have stated that he was desirous of pumping up to a point to be agreed on by the Board, but he did not indicate this point, and I have a right to conclude, and I think the Board had a right to conclude, that Mr. Ellis did propose to distribute the sewage immediately around the Metropolis.

366. When did you first contemplate the idea of utilising the sewage through your culverts or drains?—The matter has occupied our attention for the last eight or nine years.

367. You state that the present plan now under consideration may be altered so as to apply small or large dressings?—I apprehend the plan will be adopted either for the one or the other; it is not necessary to alter the plan in order to regulate the dressings.

368. Do you suppose that the promoters of this calculate to apply large dressings in the event of their finding them likely to succeed?—Judging from the common current of human nature the parties purchasing the commodity, if they propose to apply it for a commercial profit, would immediately give up the system which might prove to be unprofitable, and adopt a system that would be profitable.

369. I think you stated that the sewage being once carried into the sea could not be returned in such a form as to be offensive?—Yes.

370. Why do you form that opinion; what chemical change takes place in the sewage when it comes in contact with the water which makes you form that opinion?—I will not venture to say, not being a chemist, what chemical change would take place, but I form my opinion from two facts; first, that the sewage would be carried down a distance of 12 miles by the same tide; and secondly, that the volume of water would be so large at the point of discharge that I cannot conceive it could return, if it does return at all, in a condition to be injurious to the Metropolis.

371. Are you aware of the fact that it will not mix with salt water?—Undoubtedly fresh water is the better deodoriser. Perhaps I have not been sufficiently clear. What I stated had reference to the discharge at Barking Creek and Crossness Point; there the water is not salt, it may be a little brackish, but it is not salt; what I stated in reference to the outfall at the terminus of these tunnels at Maplin Sands was that the company had the advantage of pouring any quantity of sewage on to these sands, and the water would naturally pass off into the sea, but certainly

tainly not in the condition in which it was poured on to the sands, because it would filter itself and would improve in passing through the sands; the valuable properties probably would be absorbed and taken up to the advantage of the lands or the sands so irrigated.

372. You stated another reason for having the sewage applied in that part was, that it could not be applied in all seasons of the year, and I think you instanced frosty weather; how many days of frost do you suppose we have in this country, generally speaking, in the course of the year?—That would vary considerably, but even supposing we had only six days' frost, it would not do for the Metropolis to be left without getting rid of this sewage for six days, or even for six hours.

373. If there was an area sufficient for the application of this sewage, do not you think it could be applied almost every day in the year. You have said that at the time of the crops ripening, it could not be applied, but the whole of the land is not under crops at one time: there is fallow land and grass land, do not you think the sewage might be, with profit, applied to those crops in place of being cast into the sea?—Of course there are seasons, and the Honourable Member is much more of a farmer than I am, and knows this better than I do—first of hard frost, secondly of deep snow, thirdly, in the ripening of the crops, fourthly in the housing of the crops, and fifthly, probably in the sowing of the seed, when it would be imprudent to apply the sewage in the form which has been suggested. That would necessarily diminish the area, and it might, as I before said, render it necessary to discharge a large portion of the sewage into the river. Supposing we had adopted the scheme which proposed to distribute the sewage immediately around London, the disadvantage of which particular scheme was that it would have no outlet, an absorbent that would take up every gallon of such, so that no one single gallon could any day or hour be thrown into the river.

374. You have not answered my question. Supposing we had an area large enough to empty this sewage every day of the year, saving and except frosty and snowy days, do you think it would be better to apply it on the land than to cast it away into the sea?—If those gentlemen who are about to invest their money in a scheme such as is before the Committee found the sewage could be more profitably applied to the land coloured green than to the sands at the outlet, every reason and every motive which governs human acts would be in favour of their adopting the *green* plan instead of the *red*. We have therefore confidence that the application of the sewage will be in such form as to produce the greatest result, and producing the greatest result we shall participate by the scheme laid down as to the division of profit to the full extent, in the increase.

375. Mr. *Sclater Booth.*] In this matter you consider that the duty of the Metropolitan Board is limited to discharging the sewage of London in some place or other, and in some way or other, in which it should be no nuisance to the Metropolis?—That was our first duty.

376. Then you still entertain a hope that this sewage may have a marketable value?—Quite so.

377. If therefore any parties bring to you a plan for its utilisation, I suppose your first duty is to see that it should be so dealt with either in its transit or in its ultimate outfall that your first duty should be discharged, viz., that it should be no nuisance to the Metropolis?—Or to any other parties.

378. Or to any party as it goes along?—Yes.

379. And next if it had a marketable value that the ratepayers should get a fair share of that?—Quite so.

380. Is this plan now before us the only one that has been brought to your Board in anything like a business-like shape?—Yes; quite so.

381. And it seems to your mind to answer those conditions?—We think so.

382. I do not, of course, ask your opinion as to a matter of profit. If it was taken by farmers, or, if at its outfall it proved a matter of great profit, so much the better for the ratepayers, or for the promoters, with that you having nothing to do. Your object is that it should be no nuisance either in its transit or its ultimate outfall, and if there is a present profit, so much the better?—Yes; we believe the general features of this scheme are certainly superior to any that have been laid before us for the accomplishment of this object.

383. Mr. *Knight.*] Have you had any scheme laid before you that comprehended the great outfall sewers to take the whole sewage into the sea independently of its commercial value?—Yes.

384. Then, in fact, supposing the commercial value were not to prove so great as it is, you have got in this a great national work, which is an outfall sewer from London, which no other scheme proposes to give; is that the case?—Quite so.

385. *Chairman.*] I understand you to say this, as guardians for the ratepayers of the Metropolis, that you do not think you could make a better bargain on their behalf?—Yes, I think so; we have improved the terms that were first submitted to us.

386. From all your knowledge, derived from visiting the various places you have named, you think this gives as fair a chance of success as any scheme that has been laid before you?—We do.

387. Mr. *Ayrton.*] With reference to the answers you gave me that you would reserve powers to inspect the papers of the company, will you be good enough to refer to Article 25 of the agreement, which seems to be the only one that gives any power, and inform me whether there is any other clause in the agreement giving you any such power?—That was certainly our intention; if we have failed in words, those words must be supplied.

388. I was only asking you, as a matter for explanation, whether that was the only clause, or whether there was any other?—That appears to me sufficient; the words are, "for the purposes of inspection."

389. Is there any other clause, do you know?—I am not aware that there is any other.

390. This, you observe, says only "to examine books of account." Do you think that it would be of any use to you? Would you have any interest in examining the books of account without examining the vouchers, and without examining the minutes of the directors?—I think it would be held that an examination, as directed in this clause, would give the right to the Board to

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examine the vouchers to confirm the correctness of the books.

Mr. *Vernon Harcourt* stated that there was a clause in the Bill, though it was not contained in the agreement, to appoint an auditor.

391. Mr. *Paget.*] When you went to Edinburgh, Croydon, and the other places to judge of the effect of the application of the sewage, as it existed there, I presume you considered the case of Edinburgh as the most analogous to the one which the promoters are submitting to the Committee?—The most analogous to that part of the scheme which refers to the reclamation of the sands.

392. Did you notice that at Edinburgh the sands to which the sewage applied are all above high-water mark?—Yes, they are, undoubtedly; there is no embankment, they gradually slope down to the sea, but they are nevertheless pure sands.

393. And these are all below high-water mark?—I believe they are.

394. How long during each tide will the sewage be penned back upon these sands by the high water in the river?—That I am unable to say; the engineer will probably answer with more correctness.

395. Shall we have an engineer before us who will give that information?—No doubt.

396. As to the mode in which you will realise a profit, can you tell us how the profit from the Edinburgh Meadows is realised?—It is realised by the application of the sewage, and by the sale of the produce.

397. In what way is the produce sold?—By public auction once a year, at so much per acre.

398. And in what way is it applied; in what way do the purchasers apply the produce?—I suppose in feeding cattle.

399. It is cut green and taken to the cow-keepers in Edinburgh, is it not?—Yes; I do not believe any of it is made into hay. I presume it is all consumed green.

400. Have you at all entered into the question in what manner you should consume the produce on these sands, so as to be in any degree approaching in profit to the mode adopted at Edinburgh?—That is rather a matter for the promoters, but it is possible to convert the grass into hay by artificial heat, and probably that plan might be adopted. It is possible to feed cattle on the spot, or to convey it by means of a tramway.

401. Mr. *T. J. Miller.*] Is it not a part of the agreement entered into by the Board with Messrs. Napier & Hope, that whether the sewage was worth much or little, the Board should, at all events, participate in it to its fullest extent?—Yes.

402. Have you read the evidence that was given before Lord Robert Montagu's Committee last year, relative to the value of sewage?—No doubt I have.

403. Was there not a good deal of conflict as to the value of sewage?—There always has been.

404. And did not that conflict necessarily lead the Board to make such an arrangement as, if it proved to be very valuable, the Board would not lose the advantage of that value?—The Board will participate in any increased value arising from the application of the sewage.

405. I think it has been rather intimated that there would be no proper mode of utilising the sewage upon each side, by the culvert running from London down to the Maplin Sands; was it not a part of the arrangement entered into that the sewage should be applied to the lands on each side of the great sewers?—Undoubtedly; the agreement sets out the fact that they should be at liberty to apply the sewage in its course to the sea.

406. It has also been intimated that the sewage used undeodorised might be of some nuisance to the inhabitants of London if used near to London. Allow me to call your attention to this clause in the agreement: "It shall be lawful for one of Her Majesty's principal Secretaries of State, at his discretion, on the representation of any nuisance committed in any works, or in the disposing of any sewage or any other matter under this Act, to cause inquiry to be made into the matter, and to direct such prosecution, or cause such other proceeding to be taken, as he may think fit, in order to procure the abatement of such nuisance." Is it not considered by the Board that that is sufficient to protect the inhabitants of the whole Metropolis and all parties that may live on the confines of the sewer from nuisance?—Certainly.

407. With respect to the application of the sewage to land, did you not ascertain when you visited Rugby and other places that the most offensive sewage became deodorised in the process of fertilisation?—No doubt, in its application to the soil, that is the result.

408. I am asking you the result of your inquiry at Rugby and other places. Was it not stated as a fact, at Rugby and other places, by those who had experience of it, that where sewage was put upon the land the fertilising character of the soil deodorised the sewage?—We had this fact at Croydon, that after the sewage had been applied to field A, and collected in a channel and applied to field B, and then to field C, that it ran off perfectly pure water, that is to say, so far as the sight and taste would indicate; there might be still in solution properties that one would not quite like to drink, but at all events it did appear to the eye to be perfectly clear, and, so far as the taste was concerned, one had a difficulty in detecting the presence of sewage.

409. Then is it not considered to be a material feature of this scheme that it has two strings to its bow, namely, to utilise the sewage in its course down to the Maplin Sands, and also to fertilise those sands themselves?—Yes; I have stated that is one reason why the Board preferred this scheme to any others.

410. Did any other scheme offer the same advantages?—None.

411. Mr. *Ayrton.*] Will you allow me to hand you the section of the Act which you say gives the Secretary of State power to interfere; is that it?—Yes; it is the Act of 1858.

412. Mr. *Reilly.*] I believe the words of the section are recited in the agreement?—Yes; the Board did that to protect themselves.

Mr. JOHN BENNETT LAWES, called; Examined by Mr. *H. Lloyd.*

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413. ARE you a gentleman residing in Hertfordshire?—Yes.

414. Have you given a great deal of attention, both theoretically and practically, to agriculture?—Yes.

415. Are you a member of the Royal Commission on Sewage?—Yes.

416. Did you, at the desire of that Commission, yourself carry on a series of experiments at Rugby with respect to the application of sewage to grass lands there?—Yes.

417. And are those experiments detailed in one of the reports of the Royal Commission?—In one of the reports already published, and in one which is about to issue, the concluding part.

418. I believe there are two reports, in the second of which your Rugby experiments are fully explained and commented upon?—Yes.

419. How long a period did those experiments extend over?—Four years.

420. There is one page which gives a summary of the conclusions arrived at, but it does not take the experiments later than 1861. Those will be comprehended in the report, which is not yet printed, I believe?—It is printed, but not delivered.

421. As you have continued your experiments since then, I will ask you what difference have you found as to the number of crops in the application of sewage to the land in the manner used at Rugby?—We have found that as we increase the quantity of sewage so we increase the quantity of crops.

422. How many crops are you now able to get up in the year?—We cut the grass four times a year.

423. You gave evidence upon this matter before Lord Robert Montagu's Committee last year, I believe?—Yes.

424. Do you confirm the evidence which you then gave?—Yes.

425. And have your experiments since then further satisfied you of its accuracy?—Yes.

426. *Chairman.*] May we consider all the evidence which you gave before Lord Robert Montagu's Committee as given before this Committee to-day?—Yes.

427. Mr. *H. Lloyd.*] I believe Dr. Gilbert is the chemist who generally acts for you?—Yes, and has for the last 20 years.

428. Has he made for you an analysis of the Maplin Sands, and has he himself gone down to see them?—He has gone down to see the sands; he did not himself make the analysis; it was Professor May's analysis.

429. Have you seen the analysis, and have you heard from Dr. Gilbert the result of his examination of the sands?—Yes.

430. From that, are you able to say whether the Maplin Sands are of such a character as are suitable for the application of sewage in the same manner as at Rugby and other places?—Perfectly suitable.

431. Comparing them in particular with the sands at Edinburgh, are they richer or poorer than these sands in the true element of soil?—They are richer.

432. It has been suggested by those who have not seen them that they are more sandy and silicious in their character; is that so, or the contrary?—I do not think that would matter if they were.

433. But do they, in fact, contain a considerable amount of clay?—Yes.

434. Applying your own practical experience of many years, and the result of your study, do you believe those sands could be rendered as fertile as the Edinburgh Sands by the application of the London sewage, as proposed?—Provided there is as much per acre applied as in the Edinburgh sewage.

435. You have got as good results, you mean?—I should think probably better.

436. With respect to the general use of liquid sewage as a manure, is it an ordinary farming operation, a matter that a farmer cannot undertake to receive at all times of the year; is it at certain seasons only that he can undertake to receive it?—He can take it all times of the year, but it is not so profitable to use it at some times of the year as it is at others.

437. In practice, then, he would prefer taking either the whole or the greater part at particular seasons?—Certainly.

438. And its value then to him would depend a good deal upon his being able to have it just at such times as he wished?—Very much indeed.

439. These sands, I suppose, could take a consistent supply at all periods of the year?—At all periods.

440. I don't know whether you have formed any opinion as to the difference to the farmer between what he could afford to give in wet and in dry weather in taking the sewage?—I think it is more a question of the time of year than the time of day.

441. Would there be a very considerable difference according to the time of year; take the dry weather in July, and the wet and snow in the middle of winter, between the price he could afford to give at the two periods?—Very considerable.

442. Have you gone through and considered the present scheme for taking the sewage down to these sands, and so to the sea?—Generally.

443. Does it meet with your approbation as solving the difficulty which has been entertained for some years?—I think it is by far the best scheme which has been brought before the public.

444. Do you believe, in the first place, that there could be any nuisance from the discharge of the sewage on to these sands?—No; none at all.

445. And is it found that soils deodorised are completely free from their sewage water?—Yes.

446. So that it comes out quite clear after passing through?—Provided there is not too much applied.

447. In your judgment, is the application of liquid sewage the best form in which sewage water can be applied to land?—Certainly.

448. And the most economical?—And the most economical.

449. Does the power of applying it depend a great deal upon the state of dilution in which it is?—Very much.

450. Do you know how the London sewage is, as compared with Rugby in that respect?—Much weaker, I believe.

451. And renders it necessary, therefore, to have a more special application of it than would be the case at Rugby?—Yes.

452. Having

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452. Having regard to that also, do you consider the present system a very suitable one?—Very suitable.

453. And that you could not deal with the much-diluted sewage of London, probably, in any other way than by taking it down to the sands?—I don't think you could.

454. I believe the rainfall on this eastern coast of Essex is small as compared with the average of England?—Much smaller.

455. Which would be an additional reason why the application of a considerable quantity of sewage manure to London in that liquid form was suitable?—Yes.

456. In that particular locality it is specially valuable, I believe?—Yes.

Cross-Examined by Mr. *Corrie.*

457. You say, in your opinion, the Maplin Sands are better than the Edinboro' Sands?—I think so.

458. Will you state why?—I think the climate is better.

459. But it is the sands I speak of?—When I say the sands, I speak of the climate; I believe the locality is better.

460. You know nothing about the quality of the sands, I suppose, geologically?—I know it is sand, and that is all I know.

461. Have you seen any one of the Maplin Sands?—No.

462. Then how can you give this opinion?—I don't think it is necessary to have seen them; I don't think any opinion of that sort would be of any value.

463. Then supposing it is sand made of granite, you would be of opinion that that was just as good as any other sand?—Yes, I think the sand is quite sufficient.

464. So that it is in small particles, that is all you care about?—Yes, so as it gets rid of the water.

465. Do you mean that vegetation would grow just as well on sands made from granite as on sands composed partly of clay and other substances?—Provided you have supplied plenty of sewage.

466. Then upon a piece of pavement you would do just as well, would you?—That is not a sand; there would be no filtration.

467. As to this report, about which we have heard, but not seen, how is it that it has not been made to Parliament in time; I allude to the report of the experiments which were made by the learned gentlemen and the scientific men?—There must be a time when it is got ready for publication.

468. What has delayed it; we were told it would be published months ago?—I cannot tell you that.

469. Have you agreed upon your report?—Yes, I believe so; I know nothing to the contrary.

470. Have you signed it?—It is not signed.

471. You believe it is agreed upon, but you do not know?—I know as far as this, that we have not yet met to sign it.

472. I think you say you consider the application of liquid sewage the best way of getting manure on to the land?—Yes.

473. Better than all sorts of artificial manure?—I am speaking of the sewage of towns.

474. Do you mean to say that the products of the ash-pits, or whatever they may be called, is not as good an application as mixing it up with water and then employing it?—I should employ the ash-pits as dry, and use the land-sewage as fluid.

475. From what do you make your comparison, you say liquid is better, better than what?—I say the best way of employing the sewage of towns is in a liquid state.

476. Then you do not mean to say the liquid form is the best way of applying manure?—Certainly not, generally.

477. By Mr. *T. J. Miller.*] I apprehend you mean that it is better to supply sewage in its natural state than to solidify it?—Yes.

Cross-Examined by Mr. *Nicholson.*

478. I think you said that the application of sewage to the Maplin Sands would be as advantageous as the application of sewage to the Edinburgh Sands?—I think so.

479. Provided the same quantity were applied?—Yes.

480. Do you not think that the fact of carrying sewage 40 miles, with manholes at every furlong, will cause a considerable amount of evaporation?—No perceptible evaporation, not to affect the quality of the sewage.

481. Then will no evaporation go on in the conduit itself?—Very slight.

482. I think you said you had not seen the Maplin Sands?—No.

483. Do you know whether any analysis was made of the Dingey Flats?—No, I do not.

484. Have you seen any portion of the country coloured green?—I know the country generally; I have some land there myself.

485. What is the character of your own land?—It is an alluvial soil, of very good quality.

486. Where is that situated?—Close to the reservoirs, at Barking Creek.

487. Is it not the fact, whatever may be the character of your particular land, that the soil of the greater part of that country coloured green is very stiff clay?—Part of it is, no doubt, the land I allude to.

488. Do you consider that this sewage would be as applicable to clay land as any other?—No, certainly not; not in the same quantity.

489. It would be unsuited to it, would it not?—It would not be so suitable.

490. But will clay land take any quantity of liquid manure?—Certainly not.

491. It will not take it at all, I mean?—Yes, it will take it.

492. I think you have given evidence that 10,000 tons would be the quantity that ought to go to an acre?—No, indeed, I have not said so.

493. I think there was some evidence given by you to that effect; I have a book, lately published, as to the value of the sewage of London; may I ask if the evidence is yours, "I would give 2 *d.* per ton for the sewage of London in such quantities and at such times as I required it, but not a halfpenny per ton for the whole year, and pay the expense of carriage." Did you give evidence of that kind?—Yes, before a Committee.

494. Before Lord Robert Montagu's Committee?—I think it was.

495. There is an answer of yours to a question in which you say, "If at Rugby anything like 10,000 tons were put upon land, I would value it at 25 *l.* per acre?"—Yes.

496. Are we to gather from that, or not, that 10,000 tons would be the quantity that you would think

think it right to put upon an acre?—No; I think that is an excessive quantity.

497. What is your opinion as to the quantity that ought to be put on per acre?—I should say more nearly 5,000 tons would be the quantity, if I had to name it, but it is difficult to give an opinion; I should say nearer 5,000 than 10,000.

498. Do you happen to know the total quantity of sewage which the promoters anticipate having the distribution of from the Metropolis?—One hundred million tons.

499. I think if we divided that by six it would give something like 17,000 acres, would it not?—Very likely.

500. And the quantity of land which they propose to deal with here is 105,000 acres?—Very likely.

501. Have you read the Bill which is now before the Committee?—I have just looked through it since I have been in the room, not before.

502. Do you think it desirable that the owners and occupiers of land should have an opportunity of taking this sewage if they thought proper?—I conclude that is one of the objects of the Bill.

503. Do you know whether it is provided for by the Bill or not?—I should have thought it was one of the great objects of the Bill to give those through whose lands the sewage passes the opportunity of getting it.

504. If I were to tell you that there is no such clause in the Bill, probably it would surprise you?—I have nothing to do with the Bill.

505. But you say you thought that was one of the objects of the Bill?—I should think the parties should sell the sewage to the occupiers of the land.

506. Would you leave the bargain all on one side, that the gentlemen who have this concession should have the opportunity of selling the sewage and that the owners and occupiers of the land should not have the opportunity of taking it if they required it?—I should think it was to the interest of the promoters to sell the sewage to the occupiers.

507. And the scheme is no doubt to enable the concessionists to sell the sewage, but there is no clause in the Bill which enables an owner or occupier of land to insist upon having this sewage if he desired it; do you think that a proper and a fair Bill as between the concessionists and the owners and occupiers?—That must be a question of bargain as to price.

508. Then would you leave it entirely in the hands of the concessionists?—No doubt; we could not help it.

509. Would you leave it to them to interfere with this land for a purpose of what probably no portion of the owners or occupiers would make any use of it at all?—In what way would they interfere with the land?

510. We had evidence yesterday that for 20 miles out of 40 it was intended to carry this conduit underground; I assume, therefore, although we have no evidence of it, that for the other 20 it will be above ground?—Yes.

511. That will interfere with land by embankments, varying from three or four feet up to as much as 30; that would be an interference with land which would seem to be unwarrantable unless the occupiers or owners derived some benefit from it. Are you aware what benefit will accrue?—I think it must be looked on as a great national benefit.

512. What, for a man to get his land cut up, and not get the sewage?—He may get it if he wishes to have it. Take my own case; I have land there; if you give me power to treat for sewage it would be no use unless we could settle as to the price; therefore, unless you insist upon their selling to me at a certain price that concession would be of no use.

513. Do you not think it would be desirable to have a clause inserted to the effect that the owners and occupiers should have the sewage at a certain price?—What is the price to be, that is the question.

514. Do you happen to know the Edinburgh and Rugby land?—Perfectly.

515. And you do not think the circumstance of the Edinburgh land being within five miles, and the Rugby land being within a mile and a half or two miles of the town from which the sewage flows, you do not think those conditions are in any way different from those which we obtain here?—Not in the least.

516. It would be just as great 40 miles from the original place of discharge as at the place itself, would it?—I should think just the same.

517. And evaporation would not affect it?—It would strengthen the sewage rather than weaken it.

518. Evaporation would?—Yes.

519. I thought ammonia was a very important component part of sewage?—Yes, it is.

520. If ammonia evaporates, how would that improve the sewage?—I do not think it would, because it has a great affinity for water, and is so much diluted in the sewage.

521. What causes the unpleasant odour which one occasionally experiences?—It is a variety of compounds; it is not all ammonia.

522. Mr. *T. J. Miller.*] Is it ammonia in this solution, or in a combined state?—Both; but it is very difficult to get at by any process of deodorisation or evaporation.

523. Mr. *Nicholson.*] You say you do not anticipate any sort of inconvenience or nuisance in the transmission of this sewage from evaporation taking place through the manholes?—I should think not, but this question I cannot answer. I do not fancy any.

Re-Examined by Mr. *H. Lloyd.*

524. You were asked about the character of the sand, and you said it did not matter what the sand consisted of, whether it was sand from granite, or anything else, so long as it was sand; is that so?—I should prefer granite if I had a choice, because there is more potass in it.

525. It is a good sand in consequence of possessing that very potass, is it not?—Decidedly.

526. And of course would have more fertilising material in consequence?—Yes.

527. Then the sand after all is rather more than the flannel in the old schoolboy experiment of mustard and cress, is it not?—You want a good filter if the elements of agriculture are in the sewage; you want to get rid of the water.

528. The difference between sand and paving stones is that the one gets rid of the water and the other is not of a character to filter at all?—Just so.

529. I asked you about the application of the sewage as it comes down the sewers, that is the material we have to deal with, and we cannot help ourselves, therefore we must deal with that material in some shape or other?—Certainly.

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530. According to both your practical and theoretical knowledge, is it better to apply it in its natural state as it comes down, or to treat it and doctor it or solidify it at all?—It is better to use it in its natural state.

531. And any evaporation that it undergoes in that way you have told Mr. Nicholson improves it because it strengthens it?—Probably; it does not injure it.

532. As to a power to compel the company to supply the people on the line, in that respect, I suppose the company are much like the tradesmen in London, it is a matter of bargain and sale; if a farmer offers such a price as to make it remunerative they will sell it, and if he does not they will not sell it, I suppose?—I should think so; it is no use giving power unless you fix the price.

533. If they have more than they want they will sell it, will they not?—I should think so.

534. And if they have not more, and a sufficiently good price is offered, they will sell it, I suppose?—I should think they would not use any if they could sell all.

535. Mr. *Paget.*] We are told that the sands marked red on the plan are for six hours out of the 12 banked up by the tide, that is to say, the sewage will be retained within the embankment during six hours of the 12; and I think we understand that the sewage is to be constantly applied. Have you formed any opinion as to what the effect of that will be upon the land?—There will be no harm in it provided during the other six hours the ground is well dried. It is no matter about your covering the ground so many hours, provided at a certain part of the time you can carry the water away.

536. Probably it would merely run off the surface at the termination of the six hours; would that render the other obstruction unobjectionable, do you think?—That is a point I cannot explain, because I do not know the circumstances sufficiently; when you have irrigated the ground you must be able to carry it perfectly below as well as above, otherwise you will get a wrong sort of product: you will get an aquatic grass.

537. You have nothing in your experience at Rugby as to what would be the effect of the embankment below, holding up the sewage for a time, and then letting it off again, have you?—I wish I could have done it so; I would if I could.

538. Then you do not object to it?—No, provided you dry the land afterwards.

539. Mr. *Ayrton.*] How is that provision to be carried out; have you applied your mind to that?—I have nothing to do with the system whatever; I have merely come as an independent witness.

540. *Chairman.*] So far as your knowledge of the scheme goes, do you think it gives as fair a chance of employing sewage profitably as any other?—I think it is the only one that gives the slightest chance of success, so far as I can judge.

541. So far as your experience goes, then, you would recommend it to the Committee?—Yes. It contains two great elements of success; the one is, that you get rid of the sewage, and the other is, that you can sell it to persons who will buy it.

542. Dr. *Brady.*] Have you visited Craigentelly Meadows?—Yes.

543. Are they above the level of the sea, or below it?—They are above it at certain times of the tide.

544. Are they not all above the level?—I think a good deal are above altogether, but I think some are below at certain times of the tide.

545. Are these sands that you speak of upon the plan below or above the level of the sea?—Below, as I understand.

546. I think you said the sewage applied to these sands would be more profitable than even at Craigentelly; will you explain how that can be so?—I judge by the nature of the climate; where you want a very diluted liquid you want a dry climate and a high temperature, both of which you have here.

547. Do you know that the Craigentelly are visited by the north-east wind to a large extent?—Yes.

548. How is the climate there?—The climate is not quite so favourable there, I think.

549. I think you said, in answer to a question, that the climate there was more favourable than here?—I beg your pardon; I said the contrary; I said the climate here was more favourable to sewage irrigation than it was there.

550. Then you consider it no objection that this should be under high water mark?—Provided the water is kept out, and you can dry it at certain times of the tide, the same as in the valley of the Thames, that is all below high water mark.

551. As a gentleman who has paid particular attention to chemistry, will you explain how by evaporation the sewage is made stronger, as you state?—If there is any evaporation it would be water.

552. But what would pass away in the water?—Certain smells, and only very little of the valuable portion of the sewage.

553. How would evaporation take place except through heat?—It would only be through heat.

554. Would not that heat be very considerable to evaporate water?—No; water evaporates always, even in frost.

555. But it must evaporate by heat; you must extract latent heat from it, or import latent heat to it. At what rate do you suppose the water you speak of would evaporate to make the sewage stronger?—My impression is that there would be no difference whatever, and that the evaporation would be nothing at all, taking the whole distance into consideration.

556. Then how do you account for its getting stronger by evaporation?—What I said was, if there was evaporation it would be stronger; I did not say it would evaporate.

557. How would it become stronger by evaporation?—Because evaporation must get rid of water.

558. You mean fluid, not water; water contains many ingredients, does it not?—Very true.

559. Will you explain to the Committee how it is that by its passing 40 miles, this sewage would get stronger by evaporation?—I said if evaporation took place; I say there will be no evaporation to speak of in a covered drain.

560. But this is an open culvert, is it not?—No, I wish it was; it is a covered drain.

561. But you have many holes in this culvert; would not a large amount of evaporation take place there?—They are only open occasionally, as required.

562. Would not the effluvia and ammonia pass away from these?—No, I think not.

563. Not

563. Not at all?—No.

564. Did you ever put your nose over one?—Yes; I have put my nose over a good deal of sewage in my time.

565. You state that it is the object to apply it upon these sands, and your idea is that you will get rid of the water?—No doubt.

566. If the sands are scattered along, and bound up by the sea coming up to them, could the water pass away through the sands out into the sea?—I suppose it could only do so at certain times of the tide. It is below the level all down the valley of the Thames; we only get rid of the water through the sands at certain times of the tide.

567. Is not the most valuable part of the sewage in solution?—Certainly.

568. Five-fifths?—Yes.

569. If it is in solution, how could it be taken up by sand?—Because there is a power in all soils to retain.

570. I am speaking of sand, not soils?—It does not really matter; there is a large quantity of substance in all sands.

571. These we are now speaking of are siliceous sands, not earth; would not the more profitable portion of the sewage pass through it?—I should doubt that very much.

572. How could it be retained?—Because there is plenty of water in sewage itself to retain.

573. How are the sands capable of absorbing from the matter the soluble salts that are therein contained?—If you were to pass sewage upon pure sand, the first effect would be to retain the solid parts of it; it would not be in solution. It would filter, and the water would go clear through; the substance would retain the salts.

574. But that solid substance that passes through is a very inert matter, is it not?—It is inert.

575. And useless?—No, not useless; it is very valuable indeed.

576. In what respect?—In obtaining the soluble matter of the sewage.

577. Then would you prefer putting this artificial retention, for after all it is but that, upon sand, with the view of extracting the valuable portion of the manure from the sewage rather than apply it upon land which is already prepared for the use of it, and capable of absorbing it?—It would depend entirely upon the quantity of the sewage I had to use.

578. Would you not rather apply the sewage to land, not as on those lands at Rugby, than apply it to lands which you would have to make an absorbent body upon?—Provided I could buy it upon land as cheap as the other, I should.

579. We are now speaking of sewage; would not the sewage have to make a bed or a body for itself, to absorb itself, before any profitable result could come from it?—It would follow immediately; the very first time you put sewage upon the land the particles would be retained in it.

580. Do you mean this inert matter?—Yes.

581. This inert matter you would absorb from the next dressing, you mean?—Yes.

582. Would you not rather apply it to land ready to receive it than to go and place it on new land?—That would entirely depend upon whether I could get it on the other land at the same cost.

583. If a certain ingredient is capable of improving land and making it worth 20*l.* or 30*l.* an acre, would not that material be likely to increase the value of other lands and good lands to a very large extent?—Not in proportion, certainly.

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584. Will you give me your reasons for saying that?—Because in the good land there is such a large natural product without sewage.

585. Then you would apply a smaller quantity, would you not?—You must do so.

586. And, therefore, spread it over a larger amount of area?—If you could do it at the same cost.

587. The use of sewage on land, in place of sand, is nothing more or less than an engineering question; it is not a chemical or an agricultural question, is it?—It is an agricultural question, because you will have to say what you will give for the sewage.

588. Supposing you could apply sewage at a reasonable rate, through proper conduits, on proper lands, would you not prefer doing so to applying it on sands?—If you will tell me what a reasonable rate is, I will answer your question; we have come to the conclusion that it is an engineering question entirely.

589. If the engineering difficulties could be got over, then would you not prefer applying it upon land in a proper way?—At the same cost.

590. I do not say at what cost, but at a remunerative cost would you not prefer it to be applied to a larger area of land than upon a less area of sand?—When you say remunerative, remunerative to whom do you mean?

591. To those engaged in it; the farmers and others?—I think there are two distinct interests in that question.

592. Keep to the one; it is an engineering difficulty: if we could get over that, then would it not be preferable to apply it to the land?—I cannot answer that question. If you tell me the farmers alone are the persons concerned, I can answer the question.

593. Then to the farmers; if it is found to be profitably applied both to them and the engineer, would you not prefer applying it to land rather than sand?—Yes, if it could be found profitable to both.

594. You are one of the Royal Commissioners, I think?—Yes.

595. How many of that august body are alive now?—Four.

596. How many did they consist of first?—Seven.

597. How long is it since you delivered your Second Report?—In 1861.

598. You have not delivered your Third Report yet?—I cannot say whether it is delivered or not; it is prepared for delivery.

599. How many of your brother Commissioners have visited the Rugby experiments since the last Report was delivered?—I cannot say.

600. Have any of them visited it?—I am not answerable for my brother Commissioners.

601. The whole Commission rests in yourself now, does it not?—The Commission deputed it to a Committee of the Commissioners to carry it out.

602. And the Commission consists of yourself?—And Professor Way; there was a third, who died, Mr. Austin.

603. I believe you are a large manufacturer of manure?—Yes.

604. When will the Report be delivered?—Upon any day it is ready.

605. Perhaps you can send it for the use of the Committee to-morrow?—I have a copy in my pocket

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pocket. I do not know whether the Committee can demand it.

606. You have heard evidence here to-day that the experiments at Rugby were not successful?—I did not hear evidence of that sort.

607. The Chairman of the Board of Works said that it could be very much improved?—But he is not an experienced agriculturist.

608. He is a practical man, is he not?—He may be a practical man, but he is not an agriculturist.

609. The experiments at Rugby have not been a perfect success as regards great results, have they?—I cannot tell; they have produced very large crops of grass and immense quantities of milk per acre; those are the results.

610. In your evidence before my Committee you stated that it was neither good for butter or milk; are you of that opinion now?—I should like to see that evidence.

611. I assure you you did state so, that it was neither good for fattening, for butter, or milk, and the result of the experiments made by Mr. Way fully bear you out?—I should like to see that evidence. It was not good for fattening, I quite admit; alone it was too liquid, too watery; but it was specially adapted for milk.

612. Then you have altered your opinion as regards that?—I do not know; I want to see my opinion first; at all events I have experimented a good deal since that.

613. Here was the question put by the Honourable Member for the Tower Hamlets, "Do you consider fresh grass from unirrigated land as good in every respect as grass from irrigated land?" and your answer is, "I think it is, for milk purposes; that is, that grass from unirrigated land is better than grass from the other?"—Yes, certainly; and so I say now. Irrigated grass contains more water than other grass; therefore, if you take the grass as you cut it it is not so valuable; if you take it as hay it is more valuable; that is to say, the dry is more valuable; it produces more milk.

614. You are asked, "Do you think it is for fattening stock?" and you say, "No, I obtained very bad results in that way?"—Decidedly.

615. When shall we have the Report?—If the Committee like to give an order for it, no doubt it can be produced immediately.

616. *Chairman.*] It is not presented yet?—It is not presented to the House.

617. Mr. *Ayrton.*] Has it been presented to the Secretary of State?—He has got a copy; whether it has been presented officially or not, I do not know.

618. Dr. *Brady.*] When under examination before the Committee of 1862, you stated that the sewage could be applied to-day and not to-morrow, and that it was suitable for all crops; are you still of that opinion?—You can apply it to all crops.

619. But you said it was suitable for all crops; those were your words?—Perhaps that wants qualification. You can use it for any crop you like; it will grow any crop you like.

Mr. John Thomas Way, called in; Examined by Mr. *H. Lloyd.*

Mr. *J. T. Way.*

620. Are you an Analytical Chemist?—I am.

621. And were you for some years consulting chemist to the Royal Agricultural Society?—Yes.

622. And are you a member of the Commission on Sewage which has been spoken of?—Yes.

623. And have been so for some years, I believe?—Yes, since the commencement.

624. Can you tell the Committee in what state the Third Report is; have you a printed copy there?—I was with Mr. Rawlinson within the last half hour; he is the acting secretary of the Commission, and he told me that the Report had received the signature of Lord Essex, and of himself and Mr. Seymour. I believe Mr. Lawes and myself have authorized the attachment of our signatures, and that will complete the whole of the signatures; a copy of that Report will be laid on the table of the House to-morrow evening, but in the meanwhile he has in proofs some dozen copies which can be at the disposal of the Committee, if they think fit to ask for them.

625. Will the Report, when it is presented, show a confirmation of the opinions expressed in the Second Report, with respect to the application of sewage to the cultivation of grass lands?—Yes; generally it will.

626. The two objects which this Bill has, is first, the taking the sewage away from the Thames; and secondly, its application to the fertilizing of these sands. In your opinion could the sewage be dealt with in any other manner than by carrying it off in the direction of the sea, or ought it to be let into the river?—I think there can be only one opinion about that; it is much more desirable that the sewage should be taken towards the sea; that is to say, that the main system of sewage should not finish at Barking, that is, without throwing any kind of slur upon the walls that are constructed at Barking.

627. You would keep the whole course of the River Thames, down to its mouth, pure?—That would be very desirable, no doubt.

628. We may assume, for the present purpose, that the works at Barking would keep London clear of sewage, but still the lower part of the Thames must be more or less injured from the sewage going into it, would it not?—Yes.

629. As to deodorizing sewage, have you experimented upon that?—Yes.

630. Did you find that you could deodorize sewage in such a manner that the water in it could be made pure and wholesome?—I found that the objection to throwing sewage into rivers could, to a great extent, be obviated, not entirely, but much alleviated, by a system of precipitating and deodorizing.

631. Notwithstanding that alleviation, you cannot altogether get rid of the objection?—No, you cannot.

632. Has the water so treated a tendency to putrify?—It does putrify again.

633. That, of course, shows itself most in hot weather?—Yes.

634. Then of all the schemes, plans, or suggestions that have come under your notice, do you know of any that is preferable to this one as to dealing with the sewage itself, and removing it away from the metropolis?—I believe it is the scheme that commends itself, not only to one's scientific knowledge, but to one's common sense. We have had to deal with these matters for a long while, and we have obtained an intuitive knowledge of the necessities of any sewage system. The great advantage of this scheme I hold to be, that it deals with sewage at a time when any other scheme could not deal with it.

635. Going to the other end of the system of culverts to the sands, have you considered fully and carefully the application of sewage to lands for the purpose of fertilizing them?—I believe there is no doubt in the world that you will get large crops from those sands by sewage application.

636. Is the liquid form of sewage manure, in your judgment, that is to say, its natural condition, the fit form in which it can be dealt with, and is it desirable to treat it any way?—If it is to be applied to land, it requires no treatment whatever.

637. Does the soil itself act as a deodorizer, freeing the sewage manure from all nuisances?—It does.

638. And will even sandy soil do that?—To a great extent.

639. It filters away the water, and to a great extent cleanses it, does it not?—Yes.

640. Have you yourself made a careful analysis of this soil of the Maplin Sands?—I have made an analysis, so far as I thought it necessary, to indicate their composition.

641. Have you got the result of that analysis in your hand; will you state it to the Committee?—I should say that this is the sand, taken a mile and a half from the shore.

642. *Chairman.*] Within the red mark?—Yes, and three-fourths of the distance from where the sea wall will be.

643. Is it a fair specimen of the sand of that inclosure?—Yes; it was pointed out to me by the engineer, Mr. Hemmings, as somewhere near where the sea wall was likely to be.

644. Mr. *H. Lloyd.*] Will you give the result of that analysis?—The sand contained 100 parts of organic matter, two grains decimal, 70 oxide of iron, $\frac{2}{35}$ aluminum, $\frac{1}{35}$ carbonate of lime, $\frac{4}{37}$ in silica, 88 point of 90, that does not make up 100 parts, but those are the figures actually found. I may perhaps be allowed to say of that analysis, that the only object with which it was made was to ascertain proximately how much clay the sand contained, and the quantity of aluminum may be taken to equal to about three and a half of clay; aluminum is not clay; it is silicate of alumina with clay; we ascertained the quantity of clay by determining as a rule the quantity of alumina.

645. Then, according to that analysis, does the sand contain a fair proportion of clay, and the other half of soil?—It is not a large proportion of clay.

646. But a fair proportion?—Quite so; it is a larger proportion than exists in Craigentelly Sands.

647. Do you know the composition of those sands; do they contain, in proportion, more sand and less clay than these?—According to the analysis of Dr. Anderson, which has lately been published, the Maplin Sands contain more clay than the Craigentelly Sands.

648. Besides that, does the London sewage bring down with it a certain quantity of clay, or quasi clay?—All sewages does that; it is derived from the degradation of the roads; the granite and the ballast of the roads.

649. You have already spoken of certain statements of theorists, whose names are very well known to the world; do you agree in the opinions that have been expressed by some persons, as to the Maplin Sands not being calculated for the growth of grass crops?—I do not believe in them at all. I believe the Maplin Sands will grow very fine luxuriant crops of grass. This is the worst sample of sand amongst a number which have been examined. I analysed one which was delivered to me by Mr. Hemans; when it was taken I do not know, in which the quantity of clay was more nearly 14 per cent.

650. Do you know whether Mr. Hemans took that a mile and a half from the shore?—So I understand.

651. Do you believe that there will be a profitable return from this application?—Yes, I do.

652. Have you yourself analysed the sewage, not only in London but in other places?—I have analysed a very great number of sorts of sewage.

653. Is the London sewage more diluted with water than the sewage of most other large towns?—It is more diluted certainly than the sewage of Rugby, which we have been using in our experiments.

654. About what proportion as compared with Rugby?—It is extremely difficult to say directly. I have some analysis of London sewage made within the last fortnight. Dr. Odling and myself have been engaged collecting samples of sewage from the metropolitan sewers in Bow-lane; we have some analysis of these samples, necessarily they are on one day in the year. The samples have been very carefully taken every hour during 24 hours, by men appointed by the Metropolitan Board, and although their composition would not give the average value per gallon of the sewage, it would give the average value of the population; that is to say, it is not reasonable to suppose that, with a population of 1,112,000 people, their sewage would alter from day to day, but it would alter in its amount of dilution extremely; consequently these analysis, as far as they go, are very valuable, although we have not had time to complete a sufficient number to meet the general question as to the dilution of sewage; but, judging from them, we have every reason to believe that the sewage of London would be, what it had been anticipated to be by other chemists examining it, something less on an average than between four and five grains of ammonia in the gallon, taking the year round. The dry-weather samples I find to contain, in the Mid Level Sewer, seven and a half grains, and in the High Level Sewer a little more than six and a half.

655. *Chairman.*] Rather less than the upper?—Yes; because the population was less.

656. Mr. *Ayrton.*] Where were these taken from?—From the fenced-up chamber at Bow-lane, five miles above Barking, close by Victoria Park.

657. *Chairman.*] I suppose the lowest of all will be richer still, will it not, because of the large portion of population by the waterside?—There is an impression on the part of those I have spoken to, connected with the Metropolitan Board, that it will be about an average of the other two; the population through which the Mid Level Sewer comes is an exceedingly dense population, using small quantities of water compared to the richer population on the banks of the Thames.

658. Have you had any analysis of the sewage at Barking Outfall?—No; we considered as these two sewers go untouched, and we have little population subsequently, we should be consulting our convenience in obtaining specimens there; and we should also get the best result.

659. Mr. *H. Lloyd.*] Does the sewage contain all

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all the elements necessary for the growth of plants?—Yes.

660. So that if the Maplin Sands had nothing mechanically to affect them, the application of sewage water in sufficient quantities, would grow grass crops there?—Yes.

661. The sand would then act as a a filter removing the superfluous moisture, and the soil be detained as the element upon which the fertility depends?—That is partly so; insoluble portions of the sewage would be retained by the sand, as a matter of course, on the surface of the flats, but the roots of the plants would do the remainder; that is, they would appropriate the soluble food of the sewage.

662. They would chemically suck out the matters held in solution?—Yes.

663. Have you yourself personal knowledge of the experiments at Edinburgh, Rugby, and Croydon?—I have seen them all.

664. And made yourself acquainted with what has been done at all those places?—Yes, as far as my duties as one of the Commissioners have led me to do so.

665. In each place did you find that the application of the sewage manure in a liquid state to grass lands had greatly increased the value of very poor soils?—The Rugby soil is not a very poor soil.

666. The Edinburgh soil is very poor, is it not?—Yes; it is not poor soil at Croydon; it is a thin soil, but not a very poor one.

667. Setting apart the application of sewage in all these cases, would there have been anything like the same value in the soil for grass crops?—Oh dear, no.

668. Can you give the Committee any estimate of the extent to which the value of the land per acre has been increased in those cases by the application of the sewage?—We have taken such evidence, but I would rather you should have it from practical witnesses.

669. It would be in your Report, I suppose?—Yes, it is in the Report.

670. Is Essex a county containing a good deal of land suited for the application of sewage manure?—There is a good deal of land which might, no doubt, be very advantageously treated with sewage manure.

671. Is that increased in the eastern parts of the county by the fact of its being dry, with small rainfall?—Yes.

672. Do you know any other plan or scheme which offers so favourable expectations of the profitable employment of the London sewage as this?—No, I do not.

673. *Chairman.*] Where is the great deposit that is held in mechanical solution in the sewage; would a great portion be carried down to the end, or would it be left before that?—If the sewage was to flow into the river, and it had not time to settle, it would deposit greatly there; but I take it, it is an engineering question whether the solid matter of the sewage would be carried down by the fall.

674. You cannot tell me, as a matter of fact, where the great quantity would be deposited, supposing the scheme were in operation?—If it was pumped either from the main sewer at Abbey Wood, or from the reservoirs of the Metropolitan Board, and there was a sufficient fall, I doubt whether there would be any deposit at all; if there was a fall it would be gradually deposited over the whole distance.

675. We have been told that the water of the sewage would carry down the solid matter and deposit it on the sands, and the solid matter being so deposited will then take up all the chemical solids in solution. Are you of that opinion?—That is a wide question. I may be allowed to say that the solid matter of the sewage is of two characters, a light fulmulent matter, the result from the human fœces, the undecomposed organic matter of the fœces; and there is also a watery, or less divided matter from the streets, which is washed in times of rain into the gully holes. The one of these, of course, is heavy; that is to say, the quantity so collected, produced by the attrition of the roads, is light, and has a very great indisposition to settle. In the breaking up of the matter of sewage, which results from its running any great distance, these things get mixed up together, and the weight of the one is blended by the lightness of the other to a great extent, and the very heaviest particle is found in all floculent matter. It gets mixed up by accident, as the curd of milk in coffee is mixed up with some of the grains; that is to say, much solid matter is actually floated away by the lighter material.

676. Are you of opinion that the solid matter deposited on the sands would take up the salts in solution, and, with the water, pass through the sands into the sea?—It would to a certain extent; but I do not think that is a necessity of vegetation.

677. Do you think that a chemical action would take place?—So often as there was the clay present.

678. If that were so, will you explain why that chemical action would not take place while all the materials were being rubbed up together in the water for 40 miles from London to the sands?—It would take place. It would go on to the sands charged with anything that it could take up.

679. Is it your opinion that that action taking place the chemical matters would not be at all altered in their character and effect, but remain the same as they were at Bow, where you took the samples from?—Yes; I think they would.

680. Is it your opinion that the sewage is more profitable, put on these sands, than if it were applied for the purpose of irrigating intermediate lands?—That is a thing that will develop itself. All we know at present is that, beyond a certain extent, we cannot apply sewage without a loss, and the great difficulty about it is that we cannot check sewage when we like, when it is strong, and when we want it; but wherever a town, such as Croydon, can get rid of its sewage, it must get rid of it at all times; it goes on in immense bodies, and you must take the bad and the good together; but I believe that, if there was a means of using the bad sewage, that is, the weak sewage, or getting an outlet for it on the land, the more valuable sewage would be sold, and very likely at rather a high price.

681. You have not gone into any calculation yourself to ascertain whether it would be more profitable to apply the sewage between London and the sands than to deposit it on the sands?—I have made no other calculations than those I have formed from my general knowledge on the subject. I examined some sewage in the middle of the day, between 12 and one o'clock, in the main sewage, which contained as much as 10 grains of ammonia in a gallon. That was dry-weather sewage. Just at that time the sewage would

would be worth quite double what it would be if the whole day was taken into account, and if it were possible so to utilize it at that time of course an equivalent value would be given for it.

682. But you have not yourself gone into any calculation to ascertain those results?—No, I do not see how I should make such a calculation.

683. Would not the calculation be to examine the character of the soil between London and the flats, and then to take some assumption of the value of the sewage, and consider what crops would be produced by applying it, at what expense, and what process?—Quite so.

684. You have not gone into any such examination or calculation, as I understand you?—No; but I have had the data of it given to me, for I understand Mr. Mordan has examined these lands, and he told me the nature of them, from which I can form a very good inference. No doubt there is abundance of land so far fit for the reception of the sewage with advantage.

685. Have you gone into the examination enough to say that it would be financially successful?—No, I have not; but I believe it will be a success.

686. Mr. *Paget.*] If the present wasteful mode of putting human excreta into the sewers were done away with, would it not affect the value of the sewage?—It is the value of the sewage; if you were to keep out that excreta of the population you would have water; you would not have sewage.

687. Do you conceive that what would be left in that case would be of no value?—I will not say that; it would be of no practical value. The Honourable Member is alluding to that portion which is washed in from other sources, such as house washings, street washings, and that kind of thing: they would certainly not be of any practical value by themselves.

688. Mr. *Knight.*] They would be of great value upon grass lands for the purposes of irrigation, would they not?—No doubt.

689. It would be better than pure water?—No doubt.

Cross-examined by Mr. *Corrie.*

690. Your attention has been directed to this subject, has it not?—It has.

691. Have you not been of opinion that a much larger area than you speak of now was necessary for the profitable application of the sewage?—What is the area spoken of now?

692. The area down on the sands is about 12,000 acres?—But is that the whole of the plan?

693. That is the whole of the sands plan?—I think I stated before Lord Robert Montagu's Committee that 30,000 acres would absorb the sewage practically, but that I would prefer a larger area, for instance, 60,000; but then I was speaking of the whole sewage of London.

694. We are now dealing with two-thirds of the sewage?—That I do not know.

695. Excluding from calculation all you see marked green, do you consider 12,000 acres would be so profitable a mode of applying the sewage as to take two-thirds of the 60,000, that is 40,000 acres?—I think I may answer your question in this way. The experiments at Rugby denote that you do not get any increase of product in direct relation to the quantity of sewage put on, but in a progressive decrease; that is to say, if you put on 3,000 tons, you get, say, 22 tons of grass; if you put on 6,000 tons you do not get twice 22 tons of grass, or anything like it, but 28; and if you put on 9,000 tons you get 32 tons of grass; consequently, beyond a certain quantity, what is put on produces a less result than if that is put on in smaller quantities; but then you have the opportunity of so putting it on. The expense is the putting it on and collecting the crop; altogether our opinion would be that, if we had abundance of sewage, we should crowd it on a small area.

696. When you say you would crowd it on, probably you would call 40,000 acres crowded, compared with a much larger area?—I think I may say this, that 12,000 acres of sand would take it if it was necessary to put it there; whether I would recommend it all to be put there is another matter.

697. That is the very point I want to know; one of our inquiries is as to the most profitable mode of applying it, and I ask you, do you not think it would be more profitable to spread it over 40,000 acres than to confine it to 12,000?—It certainly is the most profitable way of dealing with it; there is 12,000 acres of sand ready at all times to take the sewage; there are also a great number of thousands of acres of land to which it could be applied. My belief is, if the scheme was carried out in the first instance, the lands would be laid out and the sewage go through. I am informed that the farmers in that district will be anxious to have the sewage at their own time, not at their own price, because they necessarily will not do that but at their own time, and as strong as they can possibly get it; that is to say, not in the times of fluid, but at times in which they will put on the largest quantity of manure in a given quantity of water; therefore, the combination of these two plans gives what no single plan will give of itself, the opportunity of getting the sewage profitably on the sand, and also the selling the more profitable part of the sewage necessary upon more ordinary land.

698. Is the result of your opinion, then, that the sand part of the project is, in a great measure, to get rid of the nuisance, but the profitable application is where people can get it to take it in small quantities?—No; I think the promoters of this undertaking, if they are wise and have carefully considered whether the sewage will pay upon the sands alone, as I believe it will, will show themselves anything but wise if they neglect to use it on the lands through which they go.

699. But, after all, is it not your opinion that a much larger surface would be better to apply the sewage to than a small one?—They will have a large surface.

700. Where?—In the land through which they go.

701. But I am asking you to exclude that green spot?—Then you are asking me as to a problematical scheme; I do not understand that to be their scheme at all.

702. Assuming that they are not in a position to deliver it on that green space, do not you think it would be much better to have some of it delivered over 40,000 acres than over the smaller 12,000?—If they had no other land but these sands it would undoubtedly be a benefit to them to get some manure if they could.

703. Do you adhere to your former opinion, that the best way of applying it is in moderate

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rather than in very large quantities?—I am not aware that I ever said that. Moderate is a phrase I should adopt.

704. Will you look at your answer to Questions 4867 and 4870. "Do you think 50,000 or 60,000 acres could be economically used for such a purpose?"—"Yes; perhaps half of the grass food would have to be consumed on the spot; you might send a quantity of it to London for feeding horses; but that system is on the decrease; all the crops are being cut and eaten on the spot." Was that your evidence?—I did not say 60,000. I said I should prefer 60,000 to 30,000; but that 30,000 would be a fit and proper quantity.

705. Was not, and is not the result of your opinion, that excessive area is better than a small area to apply it more profitably?—I have mentioned certain acreage.

706. Compared with 12,000, 60,000 would of course be excessive?—Yes.

707. You do not, I believe, know the nature of the land between London and the marshes?—I have not examined it geologically. I have been there dozens of times. It so happens that a brother-in-law of mine lives on the Island of Foulness: he is the rector of Foulness, so that I know something of the neighbourhood.

708. Do you apprehend any danger from miasma, arising from such a quantity of sewage being thrown upon that 12,000 acres?—I think not.

709. I do not know whether you have turned your attention to the money value of sewage?—Yes.

710. What is your calculation as to the money value of this to be made on the sands?—That is not the money value of the sewage.

711. If you take the results, and then deduct the expenses, we shall arrive at something like the value, shall we not?—Yes; but you had better get these facts from practical witnesses, who will be brought before you. The value of the crops I know will be very large.

Cross-examined by Mr. *Nicholson.*

712. Are you of opinion that the works constructed under the engineer of the Metropolitan Board of Works will be all sufficient to take the sewage out of London, so that it shall not be a nuisance or injurious to health?—I think it would very ill become me to say that the works were not sufficient for the purpose for which they are intended; surely you could hardly ask my opinion about that.

713. You said just now that sewage would deodorize so as to be tolerably pure on soil; would it deodorize on clay?—It would be deodorized by wet, undoubtedly.

714. Wet clay would deodorize?—If it comes in contact with the clay it would deodorize.

715. Are you of opinion that sewage is applicable to clay land?—No; that is quite another matter; sewage may be applicable to clay land, but is not so applicable as it is to light land. It is well known, I imagine, to most of the gentlemen on this Committee, that water cannot get into clay land, even when it is well drained, in large quantities.

716. Therefore, if evidence is given before this Committee, that a great quantity of land proposed to be dealt with by this scheme consists of clay, you would think the sewage is not applicable to it?—No; I would not say that at all. I would say the land was proper land to take the whole sewage of London.

717. Would you not say that "dry absolute clay was the last land that you would choose to put the sewage on?"—You are referring to an answer to a question that was put to me; but unless you take it with the context it would give a false impression.

718. I am not referring to any question, but it stands thus: "Dry absolute clay is the last soil I should wish to see sewage upon, because, although it has the power of extracting the ammonia qualities of the sewage, it is physically unfit for the purpose; the sewage cannot get into it." Was not that the evidence you gave?—Yes; I may say the word "dry" is evidently a clerical error; I do not see how I could have said it, but "an absolute clay."

719. Then you now confirm that evidence?—I say it is the last land I should wish to have for the application of sewage in large quantities.

720. Did you make any analysis of the soil at Dingey Flats?—No; I think I made an examination of it three years ago, and I think it contained a great deal more clay, but I cannot tell what.

721. Supposing I was to call it a soft, sticky mud, would that be an incorrect description of it?—It would be an improper one; some parts, no doubt, are soft and sticky mud, immediately on the surface, but the sand below is just the same as the rest.

722. You just now gave evidence that the land coloured red consisted of 12,000 acres of sand; probably you would like to correct that; the Maplin Sands consist of 7,000, and the Dingey, which is mud, of 5,000?—That is the question, whether they are mud; I know they contain more clay than the other, and, I believe, will possibly form the best soil of the two.

723. But you did not analyse them?—I have analysed them, I believe, three years ago.

724. Can you give us the result of it?—No, I cannot; I think it is mentioned in the Report to the Committee.

725. Dr. *Brady.*] Have you any knowledge that the Dingey Flats are of a kind to which sewage may be usefully applied?—No doubt of it.

726. And you think, probably, more usefully applied than to the Maplin Sands?—I think, so far as the material is concerned, they are probably better suited; they are not so flat, they are irregular; there will be a great deal more engineering expense in levelling them, perhaps, than the other sands.

727. Mr. *Nicholson.*] Are you of opinion that evaporation will go on to a very large extent through the manholes which are to be made at every eight furlongs?—No; that is to say, if we could secure the sewage as it left London, and as it got down there. Supposing there was no leakage in or out of the culverts, I think you would not find one pint in 100,000 gallons.

728. *G. J. Miller.*] Do you confirm this answer: "If the sewage was conveyed 20 miles it would not suffer materially in any way?"—It could not suffer at all.

729. *Chairman.*] Do you confirm Mr. Lawes, that evaporation will improve the sewage?—I think you have mistaken him; he did not say that. I think he said, if we could prove to him that evaporation took place, it would be an improvement. He does not believe in evaporation; he

he says merely, if the sewage was dilute, more evaporation would go off.

730. *Chairman.*] What would be the effect of boiling the sewage?—If you boil it for some time you drive off the carbonate of ammonia first, of course, but that takes a long while, and two-thirds or four-fifths of the whole liquid must be driven off before that; in fact, water has an attraction for ammonia, as it has for all soluble condensible gases. If you had a basin of water here with ammonia in it, it would condense a quantity of ammonia in the water, and if the ammonia be too strong, some of it would go off.

731. Dr. *Brady.*] Do you say that four-fifths of the water would pass away before all the ammonia passed away?—Yes.

732. Does not that show that the ammonia is more strong than the water?—Not as I understand your question, I think.

733. Would it not prove that it was more volatile than the water; that it was more easily evaporated; you say that four-fifths of the water would pass away, leaving one-fifth; before then, all the ammonia would pass away, would it not?—Quite so; you can get rid of the whole ammonia out of the liquid, but it would only be by artificial means.

734. In the ordinary process of the heat of the day, will not ammonia pass away?—I have answered that question, by anticipation, just now.

735. You say four-fifths of the water would pass away, and leave no ammonia, yet leaving one-fifth of the water behind, showing that the ammonia is more volatile?—There is no doubt about the ammonia being more volatile than the water; but, at a given strength, the ammonia will not pass away more easily than the vapour of the water.

736. But will it pass away as easily?—It would remain the same if it did; we are speaking of sewage. I say, in this case, the loss would be perfectly inappreciable; even if the conduit was open, there would be no serious loss.

737. Mr. *Nicholson.*] Looking at this matter commercially, does not the great value of the Edinburgh sewage arise from the fact of its being discharged very near to Edinburgh?—I should think the value of the grass depends upon that very largely, because they remove it as they take it into the town and consume it; but I do not understand that the value of Edinburgh sewage depends upon its being discharged near to Edinburgh; it depends upon there being no expensive works, undoubtedly.

738. If the grass was not available to the people who keep cows in the immediate neighbourhood of Edinburgh, would it be as valuable to the persons who bought it?—Of course any expense which attends to a crop reduces its value.

739. Are you of opinion that the sands will grow anything else but grass?—They may; but I think it will be grass principally.

740. Do you think they will grow anything else?—Very likely mangold-wurzell, and probably potatoes.

741. For how many years?—For any number of years.

742. Then do you think that the effect upon these sands will be to make them as valuable as the sands of Edinburgh?—I do.

743. Is it not the fact that the grass will not bear carriage any distance?—You are speaking about the crops, not what you can get for them when they are grown, at least, so I understand you; of course, if you have to send the grass a long distance before it is consumed, it will reduce its value by the carriage.

744. But is it not the fact, that the grass grown in this particular way will not bear carriage?—I do not know that; I do not think there is any information extant upon that subject.

745. You do not think there is any difficulty in the value of grass grown 40 miles from the place where it is consumed, and grass grown five miles from it?—The value is the value, minus the cost of carriage, I should say, nothing else.

Re-examined by Mr. *H. Lloyd.*

746. With the sewage running through a culvert, which it flows well through, in your judgment, will there be any sensible evaporation?—I think the question is a ludicrous one; only that it was made a great deal of, I should not have considered it worth a second thought.

747. As to the Dingey Flat, is it a kind of mat that is called warp?—I believe it is; there are two kinds of warp, natural and artificial; it is the same kind of thing that has produced the Island of Foulness.

748. But over a foundation of sand?—Just so.

749. So that you can apply the sewage there, just as you would to the Maplin Sands, supposing the 12,000 acres to be available?—Yes; I have the strongest opinion that those will be the finest crops of the two.

750. In either case, do you consider the crops to be looked for will be as good as those at Edinburgh?—Yes.

751. As to the value of these crops, when grown, that depends upon the carriage, and so on, with which you, as an agriculturist, have nothing to do?—No; I have an opinion upon it, but it is not my vocation.

752. You were asked about the value of the sewage as manure. I will presume the value to buy or sell must be just the same, whether the place where it is supplied is near the market or far from it?—Certainly.

753. Because, of course, supposing you are buying guano, you pay the same price for it whether near the market or far from it?—There is a little difference to be made; to put the case in an absurd way, you may suppose your market to be so far off that you would get nothing for your guano, after paying the carriage, then of course, you could not afford to pay for the sewage.

754. But the difference is in the value of the land, not in the price you give for the manure, is it?—The difference is in the available value of the crop, but the manure is of the same value at the one place as the other.

755. Just so. Looking at the circumstances, especially as farmers, who probably take a somewhat intermittent supply, do you think that the Promoters of this measure would have done wisely if they had not provided themselves with what we may call a reservoir, at the end of these sands, which would take any quantity, or all, if necessary, of the sewage, selling it on the way if they had the opportunity, but using whatever they did not sell upon these sands?—Yes; my strong belief is, that no scheme which had not what I call an alternative outfall, that is a place where you can put it with more or less advantage, when you

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can take it on the land, would be sure to be a failure.

756. In your judgment, does any scheme which does not bring down the sewage to such outlet comprehensively solve the problem that is before us, namely, the disposal of the sewage?—I think no other scheme would do it.

757. Mr. *Paget.*] The word "filter" has been used many times to-day, as if it was necessary for the purifying of the sewage that it should be filtered through the soil. As that cannot take place when the sub-soil is fully charged with water, I want to know from you whether being in contact with the soil for a sufficient length of time must purify it without its passing through in the manner of a filter?—It does so purify it. The sewage at Croydon does not sink through; a part of it does, undoubtedly, but a part runs off, and the solid part is laid hold of mechanically by the fibres of the grass growing upon it, and the consequence is, that a great part of its chemical properties are taken out at the same time. Within the last month, I took from Croydon samples of sewage flowing on to the point; samples of the putrified matter that was coming off, and the result was most interesting. The sewage contained about three grains of ammonia in the gallon. It certainly was not a very black sewage, but it was a putrid black sewage, of which you could not see the bottom in the conduits which carried it down. At that time there was 4,000 tons of sewage, which is nearly a million of gallons, flowing upon the 22 acres of land, and it had been so flowing for a day or two, and would continue to flow another day. The whole of the water that came away was of the most bright and beautiful character, and it contained only one-tenth part of the whole ammonia which the sewage contained; and, in point of fact, was less impure than many drinking waters. That is a remarkable instance. Those 22 acres, of course, were shifted to another 20 or 25 after their duty was done. This was when the snow was on the ground, when vegetation was supposed to be least active.

758. Mr. *Ayrton.*] In point of fact, sewage produces a gross result of 8*l.* per acre, does it not?—I do not know; I believe it is not very large.

759. The value of it, when applied to agricultural purposes, would seem to be that all the ammonia is extracted out of it, and it produces a profitable result, in the way of crops, of a shilling a load?—It so happens that it was let at that. I am not at all prepared to say that it will not produce more; perhaps the gentleman who had the sewage was aware that he had got a good bargain; that is the price at which he buys it; it is not at all shown that he could not afford to pay more for it. I believe the value is much more nearly 2*s.*, and possibly, under favourable circumstances, 3*s.* a load than 1*s.*

760. Have you not more recent information as to what the value of the crop per acre is, than the book of 1862, in which we were told it was 8*l.* per acre; I only want, generally, what is the average produce per acre per annum?—We find it very much the same as before, except that it varies according to the season; one of the seasons was much less favourable, and therefore the crops were less remunerative.

761. What is your last information, the value per acre, the gross returns?—I really can hardly say; Mr. Lawes could have told you that.

762. I thought you had ascertained that?—We have the results, but I am not so conversant with it.

763. *Chairman.*] You know this scheme thoroughly, do you not?—I do.

764. Do you think it is as good a scheme as they can fairly expect to have laid before them, for the utilizing of the sewage of the Metropolis?—I think you will have no better. I believe it accomplishes the two great objects, the opportunity to use the sewage at the most desirable time, and when not so, to use it, although less profitably, as some form or other, with the means of always removing it, which is a necessity of any scheme for using sewage.

765. With all your experience on the subject, can you confidently recommend this scheme to the Committee?—I can, certainly.

766. Mr. *Clay.*] Have you heard any opinion given that the grass produced by this sort of manuring will bring on the cattle that eat it human disease?—I have seen the opinion expressed by Dr. Corbold upon that subject.

767. Do you agree in his opinion?—I think the best answer to that is, that at Edinburgh we have used the milk produced from the sewage for half a century or more, without any indication of disease.

768. Dr. *Brady.*] The present system, or the system you pursued at Rugby, would be constantly flowing the land with sewage, would it not?—Not constantly, only intermittently.

769. Mr. Lawes stated the system was pursued just as it was at Edinburgh?—Yes; but the sewage is not always running over the land, or you could not get the crops off.

770. The statement of Mr. Lawes was, that it was constantly flowing at Edinburgh?—Not on the same land; it would be running on one part of the land at one time, and on another part at another.

771. You say the experiments at Croydon were rather successful?—Very successful.

772. Was 4,000 tons passed over 22 acres?—Yes.

773. How often was that dressing made?—About five or six times in a year; that is at the rate of about 6,000 tons per acre.

[Adjourned to Twelve To-morrow.

Veneris, 24° *die Martii*, 1865.

MEMBERS PRESENT:

The Judge Advocate.
Mr. Ayrton.
Mr. Sclater-Booth.
Dr. Brady.
Mr. Knight.
Mr. Taverner John Miller.
Mr. Paget.
Mr. Charles Turner.
Mr. Clay.

THE JUDGE ADVOCATE, IN THE CHAIR.

DR. AUGUSTUS VOELCKER, called; Examined by Mr. *Horace Lloyd.*

Dr. A. Voelcker. 24 March 1865.

774. ARE you Professor of Chemistry to the Royal Agricultural Society?—I am.

775. And you were for 14 years, I believe, Professor of Agricultural Chemistry in the Agricultural College at Cirencester?—Yes, I was.

776. And the application of manures of all descriptions, to soils of all kinds, has had your study for a very large number of years, has it not?—It has.

777. And, amongst others, the sewage of towns has been under your consideration?—I have given it my attention.

778. And the mode in which it is best applied?—Yes.

779. And the soils it is best suited for?—Particularly.

780. Under certain conditions, do you consider the London sewage can be applied very advantageously to land?—I think, under certain conditions, it is a valuable manure, which may be applied with advantage.

781. I am going to ask you about the conditions under which it should be applied; first, as to quantity, and then as to the character of the soil; in what quantities do you consider it should be applied?—It is difficult to give exact quantities, as that has to be regulated by the character of the soil upon which it is intended to be put. I can therefore only speak very generally, and say, as a whole, town sewage is most economically applied to land which can be irrigated, and the most profitable application is to apply it in a similar way with which ordinary manure is used upon irrigated meadows; but, of course, there are soils upon which a moderate quantity of sewage may with advantage be applied.

782. Now take the case of a light soil of a porous character, so that moisture readily passes away from it, is that the best kind of soil for the application of sewage?—I should say decidedly light porous, sandy soil, through which the sewage can percolate or penetrate, at any rate to some depth, would have the most advantages of mechanical condition for bringing into play the fertilising matters which are contained in the sewage.

783. Under such circumstances as that, what quantities of sewage would you propose to apply to lands of that kind?—As already stated, the character of sandy soil, for sandy soils differ as much in their fertility as heavy soils, must determine the exact quantity that is most advantageously applied to the land, but as a whole I should say on the better sand I should use as much as 2,000, or go as high as 4,000 tons; on the poorer sand I would go as high as 8,000 or 10,000; but it is a matter which each individual farmer must determine for himself.

784. However, you put on soil of that character 2,000 tons per acre in the course of the year, and you put that as rather a low quantity?—Yes; rather low.

785. And from that, according to the character of the soil, as high as even 8,000 or 10,000 tons?—Yes; perhaps to 8,000; the quantity will also be determined by the price at which sewage can be obtained, and by the profit which, according to the price, may be expected from its application.

786. You do not think, then, that applying the sewage in small doses of a few hundred tons per acre, spread over the year, is profitable?—Decidedly not, under no circumstances.

787. Did you yourself experiment upon that very matter at Cirencester?—I have made experiments with liquid manure, which is, perhaps, four or five times as concentrated as town sewage, and I have not obtained any beneficial results from the application of small quantities; and I am personally acquainted with a good many instances in which liquid manure has been applied to the land in small quantities, without producing the desired effect, which the occupier of the land anticipated, and I may say that the most zealous advocates of the liquid manure system have shut up their liquid manure tanks.

788. Then may I take it that the limits to the really profitable application of town sewage as a manure are to be found in your being practically obliged to confine it to soils which may take these large quantities?—That will take from 2,000 to upwards of 8,000 tons.

789. So that it could not become an universal manure for all soils?—By no means; it is not intended to take the place of farm-yard manure or of concentrated artificial manure. I do not think it would in any way interfere with the sale of artificial manures in the slightest degree, if every ton or every gallon of town sewage were applied to the land; nevertheless, as much would be sold as is the case now, probably more.

790. *Chairman.*]

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790. *Chairman.*] Would there be more demand for it on the land that was treated as sewage?—There would be as great a demand; the land gets more highly cultivated from year to year, and the sale increases.

791. Mr. *Horace Lloyd.*] With respect to the money value of the sewage, have you satisfied yourself that that cannot be determined simply by a consideration of the chemical elements obtained in it, a mere analysis that is?—Calculations of that kind are very fallacious, because in all these calculations the guano standard is applied; that is to say, chemists are in the habit of calculating the value of town sewage by the value of the principal fertilising constituents in it, according to the same rate at which these matters are estimated in Peruvian guano, which is a very concentrated matter, but this is altogether a very fallacious mode of proceeding. In guano, it is true, we have the same constituents, which give fertilising value to that which enters into the composition of town sewage, but in one we have the matters in a concentrated state, and in the other in a highly diluted condition. To make this very clear, if we calculate the value of farmyard manure, and provide the guano standard, potash, phosphoric acid, and nitrogen, the money value of farmyard manure is brought up to between 13 *s.* and 15 *s.* a ton; but in point of fact we can buy good yard dung at from 4 *s.* to 5 *s.*, so that the calculated value is only one-third, or three times as high as what is actually paid for bulky manure. In old bulky manures we obtained the chief fertilising ingredients just named, potash, phosphoric acid, and nitrogeneous matter, at a very much cheaper rate than we can obtain them in the concentrated form, because the value of manure depends on the concentrated form, which allows us to do with it whatever we please, to manure whatever portion of land we require, to apply to whatever soil we want, and to whatever special crops we have by experience found to be particularly valuable. It is for this concentrated form, this manageableness, that we pay the increased price.

792. Moreover, I suppose their portability, in enabling you to carry them anywhere, renders these concentrated manures somewhat higher in value also, does it not?—Yes, exactly.

793. Should you, in looking to the value of manure, look more to its value, as attached to crops, than to the chemical analysis of the manure itself?—Certainly.

794. And if its results upon crops are proved in other cases, do you consider the same result could be attained in the present case?—The circumstances are of a similar kind.

795. That brings us to the particular case of these sands; have you analysed them?—Yes.

796. Where was that taken from?—Nearest the sea shore at low water.

797. Farthest out?—Yes, about a mile and a half from the sea wall.

798. It would be about the outer line of the bank?—Yes, about a mile and a half.

799. Would you kindly give us the results of the analysis which you made; you dried the sand first, I suppose, and boiled off the water?—Yes. I found that the continuous organic matter was 1·23, oxide of iron 1·31, alumina ·30, lime 4·23, equal to 7-26ths therefore of carbonate of lime, magnesia ·76, potash ·30, chloride of sodium ·64, sulphuric acid ·11, phosphoric acid ·08, carbonic acid ·192; those are soluble in acid, making the total soluble in acid equal to 10·88; then the insoluble amount to 89·12, and consist of silica 82·47.

800. *Chairman.*] That is a better analysis that Mr. Lawes gave us, I think; a less portion of silica, and a larger portion of soluble matter in acid?—Yes, alumina 3-58ths, oxide of iron ·48, lime ·16, magnesia ·56, and alkalis 1-87th.

801. Mr. *H. Lloyd.*] Looking at that analysis, have you any doubt that the London sewage could be applied profitably to the growing of green crops upon those sands?—Do you mean grass?

802. Grass?—If the sands are properly drained, the sea-water removed from them, I have not the slightest doubt that grass, Italian rye grass, and probably also what farmers call grain crops, mangolds, turnips, cabbages, may be grown; the latter, however, probably, in a more limited quantity than Italian rye grass.

803. Have you compared your analysis of the Maplin Sands with the analysis made by others of the Craigentelly Sands at Edinburgh?—I have. Dr. Anderson has lately analysed the Craigentelly Sands, and I find in his analysis a far larger portion of sand, hardly any lime, no alkalies; indeed the Craigentelly meadow sands are much poorer sands than the Maplin Sands; the Maplin Sands, when properly drained and deprived of the sea-water, would grow crops without any manure; they are sands improved by the application of shell sand, which we know is a manure.

804. You consider you could have better crops on a similar application of manure to that adopted at Edinburgh?—Yes; always provided that perfect drainage is secured.

805. You speak of perfect drainage; would it in any way interfere with the perfection of the drainage that at a certain number of hours the drainage was stopped in this place?—I should think not.

806. It would drain off completely in that time?—Yes.

807. And if there were any difficulty about that, you could drain off by steam at a comparatively small rate?—Yes; the same way as it is done in Holland.

808. Can you give me an idea of what steam drainage costs an acre?—No.

809. Whether it would cost about eighteenpence?—I have no opinion on the subject.

810. Looking at the matter as an agricultural chemist, well acquainted with agriculture, does this scheme for the utilisation of sewage commend itself to your mind?—I think of all the schemes with which I am acquainted, it is most in accordance with the successful experience of farmers, who have tried sewage manure, and also in accordance with the most trustworthy scientific evidence that was given on the matter.

811. Then, in your judgment, it ought to be a success?—Success must depend upon many circumstances.

812. Agriculturally, I ask you?—Agriculturally I certainly think it is the kind of land which, if sewage can ever be profitably applied to it, is the kind which is most likely to crown the undertaking with success. And there is another feature in the scheme, which I think is a very favourable one to its success, which is that you can dispose of sewage along the line, along the culvert within intended to be constructed, and I believe there would be a great many farmers

farmers who would take sewage and irrigate a portion of their land with it. Most farming men are glad if they can put under irrigation a limited quantity of land, and I have no doubt that in the course of time considerable quantities of the sewage might be disposed of along the line by which the sewage is to be brought to the Maplin Sands.

813. Looking at it in another light, do you consider it a very important object that the sewage and polluting matter should be removed altogether from the river?—Yes, that is a very important object.

Cross-examined by Mr. *Corrie*.

814. You seem, I think, to have some doubt as to whether it would be a success, applying it to sand; you say, if the manure can be applied, you entertain considerable doubts whether it can be profitably applied, do you not?—What I meant to express was, that if sewage can be applied to the land, so that towns derive from its application a profit, then that is the kind of land, and this is the kind of scheme, that is most likely to be a successful one; but I confess that I am not so ardent in my expectations as a celebrated countryman of mine, Baron Liebig, is.

815. You have read, have you, that letter of Baron Liebig's?—Yes.

816. You are not so sanguine as he is upon the subject?—No, I am not.

817. Do you know whether or not this manure can be applied to sand?—That is a matter of experience.

818. Up to the present time you think there is not sufficient evidence that it could be applied?—We have a successful application in the case of the Craigentelly meadows and at Croydon; but in all these instances the towns have to pay, in the first place for their removal.

819. And, therefore, you still entertain considerable doubts, if I understand you correctly, whether it will be a profitable undertaking, even with the experience of Edinburgh and Croydon?—As far as the towns are concerned.

820. That is what I mean?—Yes, as far as the towns are concerned, I should not expect them to derive such a profit from the sale of their sewage.

821. *Chairman.*] Do you mean it will not pay for the whole drainage of the metropolitan district, or that it will not pay for the works themselves?—Oh, yes; it will pay for the works, but the town must not expect to get back any money.

822. Do you mean to say it will not pay the interest upon that forty millions and a half which was mentioned; is that what you mean?—Yes.

823. Mr. *Corrie.*] Do you mean that it will not pay for carrying it from London down to the Sands?—No; I do not mean that.

824. You expect, after an outlay of two millions, that the application of it to the Sands will be a lucrative matter?—Well, I think there is a very fair chance of success, but it is a matter of experience; I should not like to commit myself.

825. Now, one word about what you call complete drainage, do you suppose that the sewage is to sink through into the sands, or do you suppose there is to be some artificial mode of conveying it away?—By complete drainage, I mean that the sewage sinks into the soil, and can flow away.

826. You say, supposing the sands to be of that nature that the sewage will sink into the soil, then there will be a complete drainage; is that what you mean?—Yes, so that the water can be followed by air.

827. That is a necessary adjunct?—Yes, that would be so, necessarily.

828. Supposing these sands to be so hard as to be of the nature of paving stones, then no drainage could take place?—No.

829. Therefore, it is a necessary ingredient that there should be a filtration, I will call it, through the sand?—Yes, that the sand should be porous.

830. I want to know what would be the chemical effect of a quantity of sea-water being thrown on the grass, or whatever may grow upon these sands; what would be the result of the sea-water coming down?—In what quantity?

831. I suppose a small quantity would produce some effect upon the vegetation?—A small quantity of salt is a very good manure for many crops; we use salt for many crops.

832. Do you use salt for grass crops?—Yes; for making them finer.

833. Supposing you mix a quantity of sewage with a quantity of salt water, and let it lie together for a time, will there be any chemical result?—No, I should think not; it will increase the value of the sewage, in small quantities, 300 tons per acre.

834. At parts we have the sea-water on?—I would rather put salt on the land.

835. But here we are dealing with the salt that may be in the water; I suppose there are other compounds besides salt there?—A large quantity of sea-water is no doubt injurious in soil.

836. *Chairman.*] There is no reason to suppose there will be large quantities of sea-water there?—Not at all.

837. Mr. *Corrie.*] Supposing it turns out to that extent from London to the sea, it is principally clay land, what is your opinion as to the application of the sewage to that clay land?—Clay land, as a rule, is not well adapted for the reception of sewage, still I am far from saying that there is no clay land to which sewage might not be applied for irrigating purposes in small quantities.

838. That is to say, water will be very good in the month of August?—Exactly; and at other times throughout the year; spring, for instance.

839. But that means that water would be just as good as sewage upon clay land, does it not?—It depends upon the character of the soil.

840. Therefore we are left in the dark, unless we know something of the character of the soil; you give no opinion upon that subject?—I give upon several points very decided opinion.

841. Your decided opinion, as I call it, is that it cannot be properly applied to clay lands?—Yes, as a rule.

842. Therefore, in the absence of knowledge as to what these lands are, you cannot give any opinion as to the value of the upper part of the scheme?—I know the general character of the land. You have a great mixture of land; you have some clay, some loamy soil, and some perfectly drained.

843. I should suppose, from looking at the map, that a good deal of the land is low-lying land below the level of the sea?—Probably.

Dr. A. Voelcker. 24 March 1865.

844. And that towards the sea-shore?—Towards the river there is a good deal of land, well drained, which lies on gravel, and which might be irrigated with advantage.

845. You speak of Croydon and Edinburgh as the two places that you are principally conversant with. Allow me to take you to Croydon. Do you know the particulars of the plan at Croydon; that is to say, what quantity has been put upon each acre?—Mr. Meriage is in the room, and can give you those particulars.

846. But I ask as far as your information goes?—I got my information from Mr. Meriage.

847. Then, all you have told us about Edinburgh and Croydon is from what another gentleman has told you?—Well, of course, I have not experimented myself.

848. *Chairman.*] Have you seen these lands?—I know the land; I lived at Edinburgh for two years, so I know the country there very well.

849. Mr. *Corrie.*] With regard to Edinburgh, as you know the place better, can you give me the particulars, in a mercantile point of view, of the application of the sewage at Edinburgh, of your own knowledge?—My own knowledge is only acquired as I could pick it up from others.

850. According to the analysis which you have given of those two, supposing them to be correct, there is much more organic matter, I perceive, in the Edinburgh Sands, than in the sands in question?—That is so.

851. Is not that a great advantage?—Organic matter always increases your cultivation; land which has been taken into cultivation for some years is invariably richer in organic matter than land newly taken in hand.

852. Then you do not suppose these samples were taken from sands where the sewage had not been applied; you assume that at Edinburgh it was taken from where the sewage had been applied, and because it is in its natural state?—Yes.

Cross-examined by Mr. *Nicholson.*

853. Are you of opinion that there will be any evaporation of the sewage through the manholes which are to be constructed in this conduit?—Evaporation of water.

854. Anything else?—Evaporation will take place as soon as the area is dry.

855. But nothing but water would evaporate, you think?—I do not think it would lose any fertilising quality.

856. Then do you think that the sewage would be just as good 40 miles from town as it would be five miles from town?—I think so.

857. Were you ever upon the Craigentelly meadows at Edinburgh?—Yes.

858. Is there any effluvium there from the sewage?—Nothing particular.

859. It is rather balmy, I suppose?—It does not smell very savourily.

860. Rather the contrary?—Rather the contrary; that is, when the sewage is put on the land, but it is astonishing how quickly the smell disappears.

861. But it is very offensive when it is put on, is is not?—Just when it is put on it is.

862. *Chairman.*] Is it as bad as a field manured with sprats?—Not quite so bad; when good dung is applied the land is very offensive.

863. By Mr. *Nicholson.*] I suppose you attribute the fact of the smell going off so quickly upon those meadows to the peculiarity of the soil, do you not?—I attribute it to the soil.

864. If sewage was applied to soil not of that sandy nature, we may assume that the effluvium would continue for a much longer period, would it not?—I do not think we have any warrant for that assumption.

865. I ask your opinion upon that subject; do you think it will go off as soon?—I think it will go off quite as soon.

866. Do you think sewage is applicable to clay land which is below high-water mark?—No, I do not think it is.

867. Supposing that land was water-logged, it would be still less applicable, would it not?—It must not remain in a stagnant condition upon land.

868. The land, in fact, ought to be dry?—It ought to be well drained.

869. And if clay land is not well drained, it is wholly unsuited to sewage?—Exactly so.

870. Do you know anything of the land coloured green upon that map; take the land down at Purfleet, for instance?—Yes, I know it.

871. Can you speak to its character at all?—Yes, to its general character.

872. What is its character?—A ood deal of it is clay land.

873. Did you examine the soil at Dengey Flats?—No, I did not.

874. I think you were previously at Cirencester College?—I was there.

875. Are we to understand that you did not practically apply sewage yourself there?—No, I did not, because we had none; I used liquid manure for experimental purposes.

876. Upon arable land?—Not upon arable land; upon grass land.

877. Is it your opinion that the sewage could be advantageously applied to arable land?—As a rule, certainly not.

878. You said just now that you thought the Maplin Sands would grow grass and other green crops; how long do you think it would be before you got any crops there?—That depends upon the manner in which the drainage works are carried out. I think if the sea-water was drained off we should get an immediate return.

879. But you think that a condition that the sea-water should be perfectly drained off?—As long as it is impregnated with sea-water no crops would grow on it.

880. You see part of the green land extends up to Stratford and Stepney, and so on. New Stepney is thickly populated, do you think it desirable that the sewage should be used there?—I do not know the character of the land there.

881. I will put it generally; do you think that sewage should be used in close proximity to large towns?—Not in a sanitary point of view.

882. I ask you in a sanitary point of view whether it should be used in proximity to large towns?—It should be put away as far as possible.

883. Is it true that the greater the quantity of sewage that is used the greater the effluvium?—The larger the quantity the greater the smell.

884. You said that the sewage, unless used in large quanties, I think, would be useless?—I do not think the difference would be so great; if you make a bad smell, say with 2,000 pounds, I do not think you would experience much difficulty with double that quantity.

885. Then are we to understand that the smell from 2,000 pounds would be so bad that you could

could not make it worse?—You cannot measure it. 4,000 pounds will give as bad or as good a smell as 2,000.

Re-examined by Mr. *H. Lloyd.*

886. What you said about the profit I understood to be this, that although the cultivation of the meadows might be profitable, you doubted whether the town which produced the sewage would receive any part of those profits?—Exactly.

887. And there you said, rightly enough, that we have no experience of a town making a profit out of its sewage to guide us?—No, we have not.

888. But you do not doubt that the cultivation would be successful?—I think so.

889. And so far as that goes, profitable as cultivation?—Profitable as cultivation.

890. As to this supposed nuisance, is there any reason to suppose that the effluvium would be worse than from other kinds of dung upon land?—Certainly not.

891. And if there was a clause protecting the public and the landowners against nuisance, would not that be sufficient?—Quite so.

892. You said that a great deal of the land coloured green was clay land, what is the rest; would that be land suited for the application of sewage?—A large proportion, perhaps; all the rest would be applicable for the reception of the sewage.

893. And you think a return in crops, with the management of the drainage by the engineer, would be made?—I think so; it would give an immediate return.

894. Dr. *Brady.*] You say you analysed the sands?—Yes; the Maplin Sands.

895. You have not analysed all the sands then?—No, only one sand; Dr. Miller has analysed another sand, and various others.

896. Under what circumstances did you analyse these sands; were you employed by any persons to do so?—Of course; I should not otherwise have analysed them. I was asked to go down and take samples, which I did.

897. Who asked you?—Messrs. Napier and Hope.

898. Then you analysed them for Messrs. Napier and Hope?—I furnished Messrs. Napier and Hope with the results, certainly.

899. Are you in the habit of analysing manures?—Certainly.

900. For manufacturers?—For manure manufacturers and for the public in general; for members of agricultural societies, and for anybody who likes to send for me.

901. And your certificates are generally published in order to induce persons to buy those manures, I suppose?—Sometimes they publish them, and sometimes they do not. When they are favourable they publish them; if they are unfavourable they do not.

902. They are generally favourable, I suppose?—I am sorry to say that there are a good many not favourable.

903. But those are published which are favourable?—Yes.

904. What is the effect of sewage upon sands similar to those I have here; how is it to act upon the sand; how is it that you can produce a crop upon it by the application of the sewage?—You incorporate with the sand very fertilizing properties which enter into the composition of plants which add to their substance.

905. But it is not a fact that sands are the worst things that you can apply sewage to. As regards the capability of absorption now in sand, is it to absorb and retain the properties contained in the sewage?—It holds a certain quantity, like a sponge holds water.

906. How is it; is it by any chemical process, or by mechanical means?—There is no doubt that a considerable quantity of sewage is held simply, as water is held by a sponge, in mechanical suspension; if the sand contains also loam, and also alumina, and if it contains a variety of substances such I have shown to exist in the Maplin Sands, those constituences will effect chemically the composition of the sewage.

907. Are not the principal ingredients for agricultural purposes in solution?—Certainly.

908. And if you place sewage upon sand, it is not likely to pass through as through a filter?—Yes.

909. Without being taken up?—You want the plants to take it up, not the soil.

910. Supposing there are no plants when it is first put on the sand, there can be no plants there then?—No.

911. If there are no plants, how is the substance to be taken up?—Certainly, through the sands; the sewage will percolate.

912. If there be no plants, the different salts cannot be taken up?—They cannot be taken up by the soil to any great extent.

913. Then all that you would have upon these sands would be the grosser portion of the inert matter contained in the sewage?—Do you mean the suspended matter?

914. Yes?—I would rather have the matter in solution.

915. But not having plants, you cannot have the matter that is held in solution?—I would not apply it at all if I did not intend to have plants.

916. But how could you have it if you have not the roots or leaves of plants to take it up?—I take it that if I put a liquid in sand, I put it in a fertilising matter which improves land.

917. But if you put it on sand, as you say, it must percolate through the sand, and the sand itself has not the property or capability of absorbing the materials contained in the sewage, how are you to get in?—The sand will take up something like one-fifth of its weight of the food left.

918. Having saturated sufficient, as much as its power of absorption contains, if you put fresh on, how is it that it would absorb one-fifth more?—I first clothe the plant, and then I put another dose of sewage on.

919. You know sand has only the capability of taking up a certain amount, one-fifth, is not that so?—Yes.

920. Well, then, having saturated itself with that one-fifth, what are you to do with the five-fifths that you put on again?—What do you mean by the five-fifths?

921. Why, the next dressing?——

922. *Chairman.*] It will grow plants after the first dressing, and then the plants will take the next dose, I suppose; is that what you mean?—Yes.

923. Dr. *Brady.*] Do you tell me that by applying, say 100 tons of sewage, only one-twentieth part of that sewage would be taken up by the sand?—Certainly.

Mr. *A. Voelcker.*

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924. Then four-fifths of it is wasted?—I would either use no more than the sand will hold, or put the quantity which runs through upon another portion of sand, and give that the benefit of it.

925. If I understand you rightly, you cannot get the sand to take more than one-fifth of the substance contained in the sewage?—No, you cannot.

926. You say you know something of the Craigentelly meadows?—Yes.

927. What was the original value of those meadows?—I believe it was very low, something like 5*s.* or 7*s.* an acre.

928. What is the present value of them?—At an average from 23*l.* to 25*l.*

929. Now putting the thing in a rational way, looking upon it as a sensible man as you are, and an intellectual man, do you not think that if the sewage applied, as it is wastefully at the Craigentelly meadows, was appropriately applied to land already capable of absorbing it, not one-fifth, as you say, but five-fifths, the whole of it, would it not improve that land, and would it not be a more appropriate place to put it on than to put it upon sands only capable of taking one-fifth?—No, I should say not.

930. Will you give your reason why not; will you show why you should waste four-fifths of the material?—I would not waste it if I could possibly help it.

931. But if your sands cannot take it; if you have 9,000 tons a-year, and the sands are only capable of taking one-fifth, would it not be better that the whole should be placed upon land capable of receiving it?—I do not know such land.

932. Supposing we take you to land here in Surrey; do you mean to say that there are no lands here in Surrey capable of taking the whole of the sewage which you put upon it as proper dressing?—You mean extracting from it all the fertilising properties.

933. Yes?—Certainly not; I think there is no land which would take from the liquid sewage all the fertilising matters.

934. Then if Mr. Way stated yesterday that he had examined the sewage at Croydon, and he found that after it had been applied, as it is done there, the sewage was perfectly inocuous and perfectly clear, and that the fertilising matter had been absorbed, would he be right or wrong?—I heard Professor Way's evidence, and what he stated is perfectly consistent with what I say; all soils have the power of receiving, even the lightest sandy soils; what is offensive to the smell is offensive to the eye, but no soil, whatever may be its character, has the power of removing completely from dilute liquids, like sewage, all the fertilising matter, and hence we find by experience that the matter which comes from land may be used with considerable advantage upon another portion of land that has yet not been irrigated.

935. I am aware of the fact that no soil can entirely remove the water; but is not the land which I speak of, the Surrey land, capable of taking up a larger quantity of fertilising matter than sand?—The difference is really not so great as is generally imagined.

936. I want you to say, is it or is it not so?—In order to answer that question very correctly I should have to make comparative experiments.

937. But do you mean to tell me, as a professor of chemistry, that you have not made those comparative experiments before now?—Not with the particular soils you mention.

938. When you come to give an opinion to the public, and they are to be led by you, are we to understand that you have made no experiments upon the application of sewage and its power to absorb?—I have made a great many experiments to test the absorbing properties of soil, but I have not tested the particular soils to which you have referred, namely, the Surrey soils.

939. *Chairman.*] What are the best soils on which the sewage should be placed?—Sandy, porous soils.

940. Are there any lands which would be capable of absorbing the material larger portion?—Clay soils absorb more of the fertilising matter.

941. Then clay soils in other respects would be rather objectionable?—Yes.

942. So that, upon the whole, it is better when applied to light soils?—Yes, generally.

943. Speaking generally, is that not a species of land better than lightish land of rather a sandy character?—Just so.

944. The referees have told us that the land is solid and tenacious, with a considerable mixture of clay and other substances in it. Do you think that kind of land good for the application of that kind of sewage?—Yes.

945. Particularly good?—Particularly good.

946. Dr. *Brady.*] Have you visited these sands?—Yes.

947. Have you observed how much of them are under high-water mark?—I have not measured the area, which is a considerable tract.

948. Of course you know what filtration means. Are you of opinion that the water which is contained in the sewage after depositing a portion of its agricultural effects upon the land, that is to say one-fifth, can pass away by percolation?—If the engineer does his duty, I do not see why it should not.

949. Then if the outer wall, which will have to be built, is always surrounded by salt water, how is the water which percolates through to get away?—The engineer will be a better authority than I am upon that.

950. *Chairman.*] Do you know the general nature of this scheme?—Yes, I do.

951. As far as you can form an opinion, do you think it the most useful and profitable mode of employing the metropolitan sewage?—It is the best I know of.

952. And so far as you can form an opinion, you are prepared to recommend it to the Committee?—Yes.

953. Dr. *Brady.*] Do you say that salt does not destroy grass?—That is a matter of some question; a small quantity manures; a large quantity destroys. It is like food, a proper quantity nourishes, and an excessive quantity chokes.

Mr. WILLIAM ODLING called; Examined by Mr. *Horace Lloyd.*

954. ARE you a Fellow of the Royal Society?—Yes.

955. And also a Fellow of the College of Physicians?—Yes.

956. And lecturer on chemistry at St. Bartholomew's Hospital?—Yes.

957. Were you for nearly seven years the medical officer of health in Lambeth?—I was.

958. Has the subject of the sewage of London come under your attention?—It has.

959. Do you approve of a plan which will carry down the sewage to the coast of Essex, in preference to any discharge of the sewage, deodorised or not, into the river?—Yes, certainly I do.

960. Do you consider, when you have got on to the Maplin Sands, that the sewage can be profitably applied to those sands for their cultivation?—I do.

961. Have you seen the analysis of them, and also the analysis of the Craigentelly Sands?—I have seen the analysis of the Craigentelly Sands, and several of the Maplin Sands, and I have also made some of the Maplin Sands myself.

962. Do those generally agree with the two that we have had before us?—Yes; excepting that I have made an additional analysis of the sand very close in the shore, where it is of a muddy character, and where the proportion of clay is very much larger.

963. Do you agree, then, as to the character of the soil near the line of the embankment; you find more clay near the shore?—Yes.

964. Comparing that with the Craigentelly Sands, which, in your opinion, is the best adapted for cultivation?—The worst specimen of the Maplin Sand which has been analysed is better, so far as clay and other constituents are concerned, than the only sample of the Craigentelly Sands which has been analysed that I am acquainted with.

965. What is your judgment and opinion as to the form in which town sewage should be applied to land?—I believe it should be applied to land in the state in which it exists in the sewers.

966. That necessitates, I think, your taking a somewhat light, sandy soil, and applying it in considerable quantities?—It does.

967. And, therefore, the conditions that we should have in the Maplin Sands, and the others, are those which would be most favourable to the application of sewage?—Quite so.

968. So applied, do you think it will give a good return in crops?—Judging from what has taken place at Croydon and at Craigentelly, I should say yes, not that I am acquainted with practical agriculture.

969. Dr. *Brady.*] You know nothing of agriculture, I suppose?—I would not venture to say that I know nothing of it.

970. Have you ever cultivated any soil?—Never.

971. Have you ever been to a farm in your life?—Yes, often.

972. For how long at a time?—For six months. I may say that I have been constantly consulted by agriculturists, and they think it worth their while to take my opinion.

973. Mr. *H. Lloyd.*] Perhaps you are as good a farmer as Baron Liebig?—Baron Liebig is a very able man, no doubt.

974. Judging from the fact, if it be a fact, of the large crops at Edinburgh, are you competent to give a decided opinion as to whether large crops could be realised here in the mode proposed?—All the conditions here are more favourable, I think, than at Craigentelly.

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Cross-examined by Mr. *Corrie.*

975. You speak with great respect of Baron Liebeg; have you read those letters that he has written upon this subject?—I have.

976. Will you allow me to ask whether you agree with him in this opinion, that there must be something besides the sand to make a plant grow in sand manured with sewage, and that an acre of sand even with the largest dressing would not produce a single hundred weight of hay?—No, I dissent from that.

977. You think vegetation would take place merely on the sand without anything else, do you?—I believe it quite possible to obtain crops from pure absolute sand and sewage.

978. How long has your attention been called to this subject; I mean with reference to this spot on the coast of Essex?—I have had all these matters under consideration for some time, but it was about three weeks ago since I first went to the Maplin Sands, or it may be a month.

979. Did it ever occur to you, or to anybody else, that you are aware of, to get a quantity of that sand, and to try whether it would grow?—We thought there was a much better experiment elsewhere, at Edinburgh.

980. Then you did not?—We did not.

981. You have never done such a thing?—No.

982. Will you allow me to read to you another passage of Baron Liebeg's: "All experiments on the property of soils to absorb manure coincide with this, that their action in sand is quite different from any plant-bearing soil, and perhaps take up substances and certain salts in solution, but in no sufficient quantities, and, what is the more important, it does not decompose there." Do you agree in that?—To some extent I do, and to some extent I do not. There is no doubt that pure and simple sand does not decompose the constituents of sewage.

983. Still I understood you to say before, that sand pure and simple would produce?—Undoubtedly; the substances would grow in the sewage itself if it were absorbed in any porous matter.

984. Dr. *Brady.*] If what was absorbed?—If the sewage was absorbed in any porous material.

Cross-examined by Mr. *Nicholson.*

985. Have you any doubt that the present system of discharging the sewage of London at Barking would be all-sufficient to prevent any nuisance?—I have all along been of opinion, and have expressed it many times, that the discharge of the sewage at Barking would not be sufficient; I know there are great authorities upon the other side, but that is my individual opinion.

986. You are aware, probably, that the opinion of the engineer is, that being discharged there, 14 miles from the town, it would be taken 12 miles further by the tide at high water, making altogether 26 miles?—I am aware that is his opinion.

987. Do you think any of it would find its way back again so as to be injurious to London?—In

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seasons of drought I have myself found sea-water up as high as Wandsworth, and where the sea-water would get I believe the sewage would get back.

988. Have you examined the Dingey Flats?—No, I have not.

989. Did you examine any portion of the land lying along the main conduit on either side?—I know the neighbourhood of Southend, and I know the neighbourhood about Purfleet.

990. Supposing the greater portion of that land to be clay, and a very considerable portion of it to be below high-water mark, is it your opinion that the sewage would be properly applicable to the land?—It is entirely a question of degree upon which I cannot give any opinion; there is no doubt that stiff clays are the least adapted to sewage.

991. Then am I to understand that your opinion is confined to the Dingey Flats and Maplin Sands?—No; because I am sure that a certain portion of that land which I have seen would be suitable for sewage.

992. As a consequence of the answer you gave just now, may I assume that you would object to the sewage being applied round by Stepney, Stratford, or in the immediate proximity of any town?—I think the sewage had better be disposed of at a distance off towns.

993. Have you ever been to Croydon, to see the operations there?—Yes; I live at Croydon.

994. Is the effluvium there as balmy as it is at Edinburgh?—No, it is not.

995. Is it excessively offensive?—I admit that you find at Edinburgh it is often offensive, but I have never known it offensive at Croydon, because I think the condition of things at Croydon is very different.

996. Is the drainage more perfect there, or what are those different conditions?—The drainage is more perfect in this sense; it is better attended to, the land is more level, none of the sewage is exposed, and, moreover, the sewage does not contain anything like that amount of solid matter that hangs about other places.

997. Are we to understand that the only effluvium arising from the sewage would be incurred by the application of sewage to clay lands?—No; provided the clay lands had no more than they could take they destroy the smell quicker than others.

998. But if those clay lands be waterlagged, how would it be then?—If there were piles of sewage, resting on the surface of clay lands, no doubt there would be an offensive smell.

999. The nuisance would be continuous there?—If there were sewage, in piles, exposed continuously, the nuisance would be continuous.

1000. Dr. *Brady.*] Have you analysed the sands at Craigentelly?—No, I have not.

1001. You have analysed some of the sands upon these flats?—I have.

1002. How, in your opinion, can the sands there be analysed, they having been covered with sewage for so long a period as they have been, and therefore form an opinion as to the capability of the two soils?—The Craigentelly sands, by the action of the sewage, have gained very probably certain constituents, and have lost others. That is, they have gained organic matter from the sewage, and they would not have lost clay.

1003. Do you think that sand of itself could absorb a large portion of the sewage?—Sand pure and simple will only absorb the sewage mechanically, as a sponge would do.

1004. Would it not necessarily follow that a large portion of the sewage would pass through?—That would depend very materially upon whether any crop was growing up; a great portion would pass through.

1005. How long would it be necessary to form a crop on sands, such as these, by the application of sewage?—I can only tell you from what I am informed.

1006. You have no knowledge of it at all then?—No, I have a common knowledge of what takes place at Edinburgh.

1007 You do not profess to be an agriculturist?—No.

1008. Supposing that we put on 2,000 tons of sewage on these sands, will there be much effluvium, ammoniacal gases, or other offensive matters, sulphurated hydrogen, and so on, pass off?—No, it could not pass off.

1009. If you put 6,000 tons, would there be more or less effluvium?—If you have an acre of land upon which nothing grows, and which is covered by sewage which is stagnant, no doubt it would be a great nuisance.

1010. And if we put 6,000 tons more, there would be more effluvium?—Of course the amount of nuisance would be in proportion to the decomposition, to some extent in proportion to the surface.

1011. If you put 6,000 tons upon an acre it would be much more detrimental to health than if you put 2,000, would it not?—Yes, under these conditions.

1012. I think you say you might see sewage in any analysis you made up as high as Wandsworth?—No; I said I found sea-water there.

1013. Is it your opinion when the sewage is carried into the river below Barking, that it would float back again?—It would silt up again, in my opinion; I know others entertain a contrary opinion, but I think it would.

1914. So as to be offensive?—Yes, a solid portion.

1015. Do sewage water and salt water unite harmoniously?—Yes.

1016. Do they commingle in the same way as with plain water, which is not salt?—They commingle just in the same way that river water commingles with salt water.

1017. But the sewage would float on the top, would it not?—The sewage is of a lower specific gravity than the salt water, and if put carefully on the top of one another, there would be probably a slight mixture; but the one flowing into the other would mix just as the sea mixes with the river.

1018. When you are passing the large stream of sewage into a given part, how is the fresh water to come in contact with the sea water in its exit?—It forces its way, just like any other substance.

1019. Does it not propel the sea-water away, and form a vacuum which it fills itself?—No, they mix.

1020. *Chairman.*] As far as your knowledge of this land goes, do you think it is the most useful and profitable mode by which the metropolitan sewage could be employed?—By far.

1021. Dr. *Brady.*] Not having any agricultural knowledge, as you profess, how do you come to

to that conclusion?—From the experience of other places.

1022. I am speaking of your own experience?—I can only go in this matter as in many others by a recorded experience, and upon one's knowledge of the conduct of other experiments.

1023. Your reply to the Chairman was nothing more or less than from hearsay—from what you have heard of other places?—Yes, it is; and it is from my knowledge of the properties of sewage, its composition, and of the kinds of crop and their mode of growth.

1024. If you had 100 tons of manure at your disposal, would you put that 100 tons upon the barren sands in place of putting it upon land?—If I had valuable manure, I should put it upon that land which would be most likely to yield me the largest profit.

1025. If this sewage is capable of making land, which was so valueless as the Craigentelly meadows, valuable, why would not that, properly applied upon other lands, be equally profitable?—In applying sewage to land, the more sewage you put on the land the greater the quantity of the crop that you get per acre, and the reverse is the case, the smaller dose you put on the greater amount of produce you get.

1026. The lesser quantity of sewage the more profitable it is; do you mean that?—No; the greater the amount of produce.

1027. Supposing you had 100,000 tons of sewage, do you suppose, if you applied that on one acre, you would have a ratio of produce upon it?—No.

Mr. *W. Olding.*

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1028. Has not land only a certain capability of absorption?—It has.

1029. And anything you put beyond that capability is injurious?—It is possible to put so much as to be injurious.

1030. How do you come to the conclusion that the more sewage you put in, the greater crops?—I have seen sewage applied in some places in sufficient quantities to kill; that is too much, no doubt; but within moderate limits, it is found the greater the amount of sewage applied at a given spot, the greater the amount of produce per acre.

1031. What do you mean by moderate limits?—I believe these experiments, to which I am referring, go from 3,000 to 9,000 tons an acre.

1032. You are speaking of the experiments at Rugby, I presume?—I am.

1033. Have you ever been there?—I have, but not with a special view to see them.

1034. Has your attention been drawn to the condition of the land there?—No.

1035. Can you give the Committee any opinion as to the results that have taken place there?—No, I cannot, beyond what is recorded.

Mr. ANDREW BRYCE, called; Examined by Mr. *Vernon Harcourt.*

1036. HAVE you been the Manager of the Craigentelly Meadows, in Edinburgh, for about 16 years?—Yes.

1037. These are about 260 acres in extent, are they not?—Yes.

1038. And they have been under sewage cultivation from 40 to 50 years?—Most of them have all that time.

1039. The sewage is carried down by gravitation from the upper meadows to the lower, is it not?—Partly both ways.

1040. How do you mean both ways?—There is sometimes a catchwater used, and at other times we can convey it to all the places, without catching it, by the original water.

1041. Are the lower meadows almost pure sand?—Quite pure sand, or nearly almost so.

1042. The upper meadows, I believe, have a certain amount of soil?—Certain portions of them; and very good soil.

1043. At what sum annually does the sandy portions of the meadows let?—They vary considerably. A certain portion of them let very well; the lower portion of them let for less.

1044. I want the figures, if you please. What is the highest rent you get, and what is the lowest, for the sandy portions of the meadows?—We get from 41 *l.* to 15 *l.*

1045 That is for the meadows that are pure sand?—Mostly pure sand.

1046. Have the lower meadows, which are pure sand, as large crops as the upper meadows?—Some years they have, but not generally.

1047. What number of crops do you get from the lower meadows?—We get three good cuttings, in some of them, and sometimes more.

1048. I am speaking of the sandy portion?—Quite so.

1049. What do the crops average per acre?—From 8 to 10 tons, per cutting, and about 30 tons in the lower part. I should say about 30 tons per acre; I never weighed them.

Mr. *A. Bryce.*

1050. *Chairman.*] Do you mean each crop would be about 10 tons?—From 8 to 10 tons.

1051. Mr. *Vernon Harcourt.*] And from three to four crops?—Yes.

1052. What do you put the value of the crops at per ton?—They vary; sometimes but from 15 *s.* to 1 *l.* per ton.

1053. You principally use it for feeding milking cows for the Edinburgh market?—Principally for that.

1054. How many cows will eat an acre of crop?—I never tried that, but I understand it will give about five cows per acre.

1055. And what is reckoned to be the annual value of the milk of a cow?—I could not answer that question.

1056. Does a large portion of the milk that supplies Edinburgh come from the Craigentelly meadows?—The principal supply, I should say.

1057. *Chairman.*] Did you ever find the cows any the worse for being fed upon this food?—No; much the better, I should think.

1058. There is no diseases incident to it?—There is disease in every quarter in our locality, and has been for a number of years; but the first disease, that I am aware of, was in a dairy, where the cows were not fed from the grass from our meadows, but in the fine old pastures round the castle.

1059. You are not aware of any special disease that affects those cows which are fed upon the land where the sewage is used?—No; I think the experiment was tried by the cow-feeders of Edinburgh, to find out that, and they all failed. The cow-feeders have repeatedly tried such experiments, and they have always found them on better feed on the hills than on the grass meadows.

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1060. In what condition does this sandy land, that has been treated with sewage for a considerable number of years, get into at last?—It varies a little; by the application of the sewage it gets a little darker at the top, but it is still sand for all that. Near the top of the meadow it is black, but as you go down you get into almost pure sand.

1061. If you went down six inches you would get into pure sand?—In much less than that; the lower part, next the sea, not three inches.

1062. So that if the flow of the sewage was stopped the land would be good for very little?—Yes. We could not apply it anything like so profitably; it would be very worthless indeed.

1063. Mr. *Paget.*] In applying the sewage, at the lower end of the meadows, do you ever give it in fresh sewage which has not run through the upper land?—No; we convey it down in feeders down to the sand, and employ it as much as we can in order that the lower part may get a fair chance of the rich sewage; but generally speaking it is never so rich as it is at the top of the meadows.

1064. In general, it has passed over other land first, and therefore is not so rich?—No; it is commenced at the top of the space of ground, and then goes down it.

1065. Then it loses value in passing along the barriers without going over the land?—Not passing carriers, but over the land it loses value as it gets to the bottom of the meadows.

1066. As to the value of the grass, do the cowkeepers keep their cows upon that grass alone, or do they give with it cake, corn, or other food?—They give grains from the distilleries, that is the principal other food they get during the grass season, but they get less of that than at any other portion of the year, I think.

1067. You do not know of any instance of their keeping them entirely on sewage grass?—No, I do not; they always give something; it would not be profitable for them to do it, I should say. They feed their cows very extravagantly to get a good flow of milk, and they find that nothing does so well with them as the meadow grass.

1068. Is the grass ever made into hay?—Not generally; very seldom. We do not allow it; indeed, it spoils our meadows.

1069. Then you do not know how many tons of this grass, cut green, it would require to make a ton of hay?—No, I have never tried that; we never allow it to be done.

1070. Mr. *T. J. Miller.*] You have given us the value per year of these meadows; can you tell us anything about the value at which the fee simple of the land is sold?—It is all in the proprietors' hands.

1071. Has there never been any sold?—There has been some sold for railway and other purposes, but I am not quite aware of the exact price it fetched.

Cross-examined by Mr. *Nicholson.*

1072. The meadows are considerably above the sea-level, are they not?—The sea comes up to the foot of them.

1073. But there is a considerable slope, is there not?—There is, generally speaking.

1074. Have you ever seen sewage applied to any other kind of land?—Yes; I have three different kinds of land on the same farm.

1075. Is there any clay there?—Yes; we have a certain portion of it of clay.

1076. Do you ever apply the sewage there?—Yes, we do.

1077. What has been the result of that?—There are very good meadows.

1078. What quantity did you apply per acre?—I could not say; we apply a good quantity to it. I do not think I could give a definite quantity.

1079. Ought the sewage to be applied in the way in which you apply water for irrigating purposes?—Yes; or from gravitation.

1080. Will the grass that is produced there keep at all?—We keep none of it.

1081. You have it readily used, but would it bear keeping so as to send it to a distant market?—I do not think the meadows will be generally profitable to make into hay in the high state of cultivation in which the meadows are.

1082. Have you seen the Maplin Sands?—No.

1083. Assuming that they are of the same kind as the meadows you hold, would you be prepared to take them at the same rate?—That would be very doubtful, I should say.

1084. Is it not essential that for the purposes of cultivation which is suggested as applicable to this kind of soil under sewage, that it should be nearer town?—It is suitable for one thing; I do not think it would be desirable to be nearer town, unless for the convenience of the town. I do not see any particular reason why it should be very far from a town.

1085. But you would not venture to take lands far from a town, would you, for such a purpose as you hold these meadows?—It would be against their value to be far away from a town.

1086. If it was 40 miles from a town, how would it be then?—It would be very much against its value, I should say.

Re-examined by Mr. *Vernon Harcourt.*

1087. I suppose if the sewage could be carried 40 miles from a town, and the farmer has not to pay for that, it makes no difference; does it?—I presume it is upon the principle of the Craigentelly meadows; it should be sold to parties who keep cows in towns, and it is for that reason I say so.

1088. You were asked about clay lands; is it the fact that clay does not mean in Scotland exactly what we mean by it in England; is it what we call here loam, or do you mean by clay the same thing as we do?—No; very different. Clay is much stronger than loam; I am speaking of strong clay.

1089. You find it used with advantage?—Yes.

1090. Mr. *Nicholson.*] Does the sewage, when applied to the land, produce a disagreeable smell?—No more than any other manure that I have used, and find no difference from the smell of horse and cow manure.

1091. But it is continuous, it is always there, is it not?—It is not; I very seldom find any smell from it at all.

1092. You have been somewhat accustomed to it, I suppose?—I do not know about that.

1093. Dr. *Brady.*] Is this grass that you get there used for fattening?—Yes, I believe the cows fatten very much upon it, and the cowkeepers use it for their horses, and they have always fat horses as I see in London.

1094. Then

1094. Then it is good for milk and cream?—Yes, I believe so; those that use it tell me so.

1095. You have found it to be so by experience, have you not?—From the people buying it, and from what they say; I am not speaking from my own experience, I only keep a cow or two, but I find that the cows lose their milk if they do not get some of this grass.

1096. No matter what you feed them with?—Yes.

1097. And is it good for butter?—Yes, I believe so.

1098. If it has been stated to this Committee, that this grass did not fatten, or would not do for milk or butter, would that statement be correct?—It would be very incorrect.

1099 You say that some of these meadows are high land, and some lie low?—Yes.

1100. I presume you have a good deal of clay in the high land?—There is one portion very clayey.

1101. Do you find on that land, that the crop is good on the upper land as it is on the lower?—Not on the clayey part, it is not so good: still it is a very good crop.

1102. You stated that the lower portion of the sands did not produce as much as the upper?—Not quite; the very bottom part, that is the sea meadows, are generally a little behind the others, which are further from the edge of the sea.

1103. Then the more the clay the greater the produce?—Not where the clay is, but where the sandy portion is, a little further from the sea.

1104. Can you give me any practical reason why the land above should produce more than the land below?—One reason is, that it is very exposed to the sea. It is a very cold place, and we have very severe east winds. I think it is due to exposure more than to anything else. There is no protection at the sea, and those points a little further in are a little more protected.

1105. What is the extent of the land that is not fertile?—There is none of it but what is fertile.

1106. But less fertile?—I think about 100 yards or 150. Next to the sea it is not quite so good as it is 200 yards from it.

1107. You say this land can feed five cows per acre?—I believe so; I am told so by cow-feeders; and some say more.

1108. If this sewage were to be paid for, what do you think would be the result; would the sewage be used?—It would depend very much upon the price that would be paid, I should think.

1109. If the land can produce 40 *l.* an acre, do not you think the receivers of that sewage could afford to pay something for it?—I have no doubt they could.

1110. Then it is your opinion that if land, not worth more than 5 *s.* an acre in its original state, could be brought up to 15 *l.*, something ought to be paid for it?—I do not say that I think it is a great thing for the town to get rid of the sewage.

1111. But is it not a greater thing if a man can get 25 *l.* instead of 5 *s.*?—Most certainly.

1112. Do not you think that he could afford to give a very good price for the sewage?—That would depend upon circumstances.

1113. With the land we are speaking of, could he not afford to give a very large sum for it?—I think he might.

1114. Supposing that you, as a practical agriculturist, had the sewage at your own disposal, and you had two choices to make to apply the sewage to a portion of your land which was perfect sand, and you had other land with equal facilities to apply sewage upon, would you not apply the sewage to the land that was ready to receive it, and to produce a crop, than to put it upon sands?—No; I should think nothing so good for it as putting it upon the sands. I should prefer that.

1115. Will you give the Committee a reason for that?—Because I have found it most productive.

1116. Have you ever applied it upon other lands properly drained?—Yes; I had plenty of that in my management.

1117. Do not you think that a lesser quantity of sewage, applied upon good land, would produce equally as good a crop as a much larger application of it on the sands?—I have never found it to do so, although I have applied it in all the various ways in which it could be applied.

1118. Will you tell me the proportions in which you have applied it upon other soils?—I have no given quantity. I applied it just as I thought the land required it; I never tested any of it.

1119. You never applied it to any other crops but grass, did you?—I have occasionally, but very seldom; that was on the pumping meadows; a different portion.

1120. Are not the crops on those pumping meadows very good?—Those that have been used by the pumpings have not been very successful.

1121. Is that on account of the expense?—A good deal owing to that, and there not being sufficient quantity, I should say.

1122. Supposing that you could apply the sewage upon the land immediately surrounding Edinburgh that is not sand, would you not, as a practical man, say that that which would make sand fertile, would certainly make other land equally so?—Oh, most certainly it would make it fertile, but not for it to grow grass.

1123. But to apply it for other crops?—It cannot be done by gravitation for other crops, you may do it with hose and jets.

1124. If it was applied with the hose and jets, are you of opinion that it could be applied to other lands?—Yes; I have no doubt you might use it for certain crops, you might use it at times for Italian grass, but I do not think for any other crops, as a general rule, it would be of advantage.

1125. Is it not your opinion that you might apply a lesser quantity upon those lands than upon the sand?—Much less quantity, it would not be very profitable, I think, as manure for agricultural purposes.

1126. Supposing you had been paying for the sewage, and you found that a ton of sewage would produce a good crop upon the upland, would you not rather apply that ton of sewage to an acre of land than you would waste four or six tons upon an acre of sand?—I do not think it would ever pay in any quantity for agricultural purposes.

1127. Mr. *Ayrton.*] Can you give any description as to the quantity of sewage that is applied to the better class of land?—No; I never heard that.

1128. I do not mean by measure, but by description?—I do not know what you mean.

1129. To what extent does the water flow, and for how many days, on the better class of land, in the course of the year?—We water it about nine

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Mr. *A. Bryce.*

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times in the year, and we just run it on according to circumstances; we do not let a large stop remain on; we can put a little more on when there is a little declivity. We just let it work down at a moderate rate, in order not to wet the grass, perhaps an inch deep or scarcely that, then we turn it off, and put it on another lot.

1130. Would the quantity put on represent about an inch of water?—Much more than that; if it was all put on it would be several inches; it absorbs very much as it goes down; if we kept it running, perhaps it would be scarcely so much, perhaps half an inch.

1131. Do you consider that, on the whole, the best mode of application for profitable return?—I do, certainly.

1132. At the upper land, irrigating it about nine times a year, and allowing a quantity to flow upon it, which might be described as five or six inches, do you mean that?—I could not say what quantity.

1133. But do you think that is a better mode of application than applying it to the sand?—It is on the same plan.

1134. Which do you think the most profitable, applying it to the better soil, such as loam or whatever it is, or applying it to the sand?—I have found the sand very productive.

1135. Do you think the purer the sand the more productive it is?—No, I do not think that; I think that a few inches of soil would be desirable; at the same time, I have found it very productive in pure sand.

1136. What is your opinion as to the quality of the soil which is best adapted for receiving sewage?—Principally sand.

1137. What you would call sandy loam?—No, I would not call it loam; a light, sandy soil.

1138. Mr. *Paget.*] You spoke of its being better at 200 yards from the sea. I suppose the land is rather higher there, is it not?—I attribute it to the sewage.

1139. Is the drainage better?—There is no difference in the drainage. I think the difference is in the application to the sewage.

1140. Do you find where the sewage is applied in equal quantities, the crop is equal; or is it better in those parts over which it runs briskly?—It does not require to go very fast over it. You have to study that very much in your application; if you put on a large quantity, it goes over too rapidly. It must be decided by practical observation. There is no rule about it.

1141. I suppose a certain inclination is better than a flat?—Yes.

1142. Mr. *Ayrton.*] I think you mentioned that you have been able to keep five cows to the acre?—I have been informed so by cowkeepers generally.

1143. Are those cows kept in the shed, and is the grass cut and carried to them?—Yes, it is all carried to them.

1144. What extent of cattle can you keep per acre on land which is unsewaged?—Very few. I should say about two cows per acre, perhaps.

1145. Is there good pasture in your neighbourhood?—Yes.

1146. Mr. *G. J. Miller.*] If you throw more sewage on to the land than it will absorb, what becomes of the surplus sewage?—We do not generally do that; if we do, it only runs away from the meadows.

1147. Into the sea?—Yes.

1148. Mr. *Paget.*] Do I understand you to say that in general all the sewage is absorbed that sinks into the soil?—Principally; the water comes very pure off the sea meadows.

1149. Does all the water go through the soil, or does it run over the soil and into the carriers which take it away at the bottom of the meadows?—As it goes over the sand, it absorbs a great portion.

1150. Mr. *G. J. Miller.*] Does the surplus sewage run away in a very purified state?—Yes, off the meadows.

1151. Having passed through the soil before it gets through the channel into the sea?—Yes.

1152. Dr. *Brady.*] All the solid matter is deposited on the land?—Yes.

1153. Mr. *Sclater-Booth.*] Do you use the whole sewage, or is there any surplus?—Yes; we do not use it all, but generally we use all that comes down the stream and irrigates the meadows.

1154. If you do not use it, does it flow into the sea by a main drain?—Yes; there is a main drain near. If it is too heavy, we can let it off into the sea, without its going over the meadows at all.

1155. Do I understand you to say that after all these years of application of sewage, the natural soil is not materially improved?—It is not materially improved.

1156. So that if the sewage was prevented from flowing over your land, your land would be little better for agricultural purposes than it was before the sewage first began to flow over it?—It would not be much better; it might be a little stronger for a crop, but it would not be permanent.

1157. Dr. *Brady.*] Does a large quantity of sewage pass off unused?—None, except in falls of rain.

1158. Then the present system of using sewage is not prudent at Edinburgh, is it?—I do not say so.

1159. If you allow a large quantity to be unused that would be so, would it not?—It is very seldom the case, except during a fall of rain; we see it the whole year through.

1160. Is it constantly running over it?—Yes.

1161. Are not the dykes sometimes very offensive?—No, I am not acquainted with anything offensive about them.

1162. Perhaps you are accustomed to it; do other people find them offensive?—There are some persons who have made statements to that effect, but I do not think they were very successful in proving it.

1163. I suppose they were people with what you would call delicate noses?—Yes, I should think so.

Mr. James Christy, called; Examined by Mr. *H. Lloyd.*

Mr. *J. Christy.*

1164. Do you rent some portion of the Craigentelly meadows?—Yes.

1165. You occupy about 40 acres, I believe, altogether?—Yes.

1166. About how much do you pay, taking one acre with another, at Craigentelly?—I think about 28 *l.* an acre upon an average.

1167. Mr. *Paget.*] Are you speaking of a Scotch

Scotch or an English acre?—An English acre. I have some land as high as 42 *l.*

1168. Mr. *H. Lloyd.*] Do you use it entirely for feeding cows upon it?—Yes.

1169. Mr. *Ayrton.*] You have sewage at your discretion upon it, have you?—Yes.

1170. How much would you pay for the land if you had no sewage?—It would not be worth more than 5 *s.* or 6 *s.* an acre, I think.

1171. Mr. *H. Lloyd.*] After paying that 28 *l.* per acre, do you make a very considerable profit out of it?—Yes, I do.

1172. Do you sell the milk you get from it for 120 *l.* a year per acre, taking one year with another, and can you feed six cows upon an acre, do you think?—Yes, as near as possible?

1173. Do you find, taking one time with another, that you can sell the milk of each cow during the summer season for 20 *l.*?—Yes; I think that is as near as I can calculate.

1174. At the other places where you rent lands, Blandfield meadows, Skirving meadows, and Grange meadows, are those also light sandy soils?—Yes, all light sandy soils.

1175. Would they have very little value as grass lands, if they were not irrigated by sewage? The Blandfield meadows make good garden ground; they are a light sandy soil, but they grow no better grass, when irrigated, than the Craigentelly Sands.

1176. Dr. *Brady.*] But as good?—Yes.

1177. And with a larger quantity of sewage?—I do not know; I think I have more, at least as much, on the Blandfield meadows.

1178. Mr. *H. Lloyd.*] Upon the Blandfield meadows, how much per acre have you cut; how many tons?—I should think from four to five.

1179. What do you pay for the Blandfield, Skirving, and Grange meadows?—I give at Blandfield 30 *l.* an acre.

1180. And Skirving?—There are 6½ acres at 235 *l.*

1181. That would be about 36 *l.* an acre. And what for the Grange meadows?—£. 20 upon an average.

1182. Will Skirving meadows be let at a higher rent when the present lease has run out?—Yes; there is a higher rent asked for them: whether they will get it I cannot tell.

1183. And do all these lands produce crops which make it remunerative to give these rents?—Yes.

1184. *Chairman.*] Do you think that the sewage of Edinburgh could be employed in any better way than it is?—No, I do not think it.

1185. Dr. *Brady.*] Do you think that the sewage of Edinburgh could be turned to profitable use to the original owners?—No, I do not think it could.

1186. You are a tenant farmer, are you not?—I am not a farmer, properly speaking; I am a dairyman.

1187. You are a tenant grazier, then?—Yes.

1188. Do not you think that the gentleman from whom you hired the land could afford to pay something for the sewage?—I do not know. He never did apply it to any other purpose.

1189. But could he not afford to pay for the sewage that goes upon your land?—I do not know whether he can afford it or not.

1190. If he gets 38 *l.* or 40 *l.* an acre for land which was only worth 5 *s.*, do not you think he could afford to pay something for the sewage?—Of course he could pay something.

1191. Could not he pay 20 *l.* out of it per acre?—No, he could not do that.

1192. If he gets 28 *l.* for one acre of land which was only worth 5 *s.* without the sewage, could not he afford to pay 20 *l.* per acre with the sewage?—Yes, in Craigentelly meadows he could.

1193. Would he not then have 8 *l.* clear profit?—Yes; but then you see it requires a great deal of work to irrigate these meadows.

1194. Supposing he paid 15 *l.*, would he not then have 13 *l.* clear profit?—Of course, he would.

1195. £. 13 would be a large rental, would it not?—Yes, it would.

1196. Then would not the sewage be more profitably applied than it is at present to the ratepayers of Edinburgh?—I do not think it.

1197. If they get 15 *l.* an acre for the sewage applied thereon, would they not profit by it?—Of course, they would.

1198. Then, ought not a man who was getting 28 *l.* from it to pay 15 *l.* for it?—Yes; but there never is anything asked for it at Edinburgh. They had the privilege of the ground before the irrigation commenced.

1199. Supposing irrigation was to commence to-morrow, and you were the owner of the sewage, do you think you would allow it to run upon those lands without getting something for it?—There are different questions about that; some persons would not mind it, some would.

1200. Supposing you were the sole proprietor of the sewage of Edinburgh, would you allow it to run upon these lands without getting some profit from it?—I do not know; I have the sole power over the sewage at my place, and I give it to a man for nothing.

1201. Then you have not land to put it on?—No; of course, I serve myself first.

1202. Is this grass which is grown upon these meadows good for fattening?—Yes, it is good for fattening.

1203. Do the animals get fat from it?—Yes.

1204. And does it produce a good deal of milk and butter?—It is good for butter and for milk.

1205. Then, if evidence has been given that it was not good for those purposes, would that be very correct?—No.

1206. Would it be very incorrect?—Yes.

1207. You would not give much for such a person's experience?—No; I have experience as well.

1208. Mr. *Ayrton.*] I think there has been some misunderstanding, for when you were asked the question just now, you stated that you were of great expense. Are the Committee to understand you that the rent you paid was not a net rent, but that you had to pay some expenses; or do you as a tenant incur all the expense of distributing the sewage and dealing with it?—Yes.

1209. Then, the rent you pay is a net rent to the landlord?—Yes.

1210. And he incurs no outgoings out of that rent?—No.

1211. Therefore, the whole of the 28 *l.* is, of course, a net rent to the landlord?—Yes.

1212. Can you tell by estimate how much you put on at a dressing; how many inches that would represent spread over the soil?—Do you mean inches of water?

1213. Yes, inches of water spread upon soil. Supposing it did not sink in, would it be four or five

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five inches each dressing; would it be equal to one inch of rain, or how many inches?—I like it better if it flows over the surface.

1214. How much do you think that you put upon it actually; as much as one or two inches?—One inch is plenty, and not even that.

1215. And how deep does it sink down?—In the first place, when the water goes upon it, it sinks down into the ground like a sponge, and it becomes quite soft; it fills all the ground.

1216. How many inches is it necessary to fill the ground to that extent?—It runs about an hour before it leaves the top.

1217. On the surface?—Yes; if the ground is dry before that.

1218. How many inches would that be; five or six, do you think?—I should think about four inches.

1219. How many dressings do you put in in a year?—The whole winter round, when the grass begins to get rather longer.

1220. Do you think, upon an average, you left the sewage for 30 or 40 days in a year, as far as you can estimate it, over the same land. How many days a year would it be do you think?—Not more than 20.

1221. Dr. *Brady.*] Supposing you had a much larger area of land, could it not usefully apply to waste sewage that you speak of?—Yes, we could.

1222. I believe there are some 300 or 400 acres under sewage?—Yes, at Craigentelly.

1223. Supposing there was twice or thrice that amount of land, do you not think it might be profitably applied?—No, I do not think so in Craigentelly.

1224. How many acres more do you think could be profitably used?—100 acres, I think.

1225. And that 100 acres would produce from 28*l.* to 40*l.*?—Yes; about 28*l.*

1226. Now I will put the question again to you; you state that you pay a net rent of 28 *l.*, and afterwards pay all the expenses attendant upon the distribution; under these circumstances, do not you think the proprietor of the land could afford to give 15 *l.* or 20 *l.* an acre for that sewage so applied?—There is no doubt but that he could afford to give something.

1227. Do not you think 8 *l.* an acre would be a very good clear rental?—It is not for me to say that; but he could afford to give something, no doubt.

1228. *Chairman.*] However, as I understand it at this present moment, there is nothing paid for the sewage?—Nothing.

1229. Mr. *Paget.*] Do you ever make hay of the sewage grass?—No; I have never made hay myself; I have seen it made.

1230. What is the quality of the hay?—It is soft and not good.

1231. How long a time is there between the cutting of your grass?—About six or seven weeks.

1232. Supposing you were to let it stand for nine or ten weeks, would it lose its feeding qualities?—No; it would get too old.

1233. How do you mean, too old: why is that a disadvantage?—The grass shoots and gets into hay.

1234. Does it give you more milk when cut younger?—And the sap or juice gets out of it.

1235. Do you find a material difference between a warm summer and a cold summer in the quantity of grass that you get?—Yes.

1236. If it was in a warmer climate, do you consider that would be an advantage?—Yes, it would.

Cross-examined by Mr. *Nicholson.*

1237. Would you be willing to pay as much rent as you do for the land unless it was very near to a town; supposing your land was 40 miles away from Edinburgh, would you be willing to pay as much rent as you do now?—No, I would not.

1238. You would like to have to pay the 5*s.*, perhaps?—I could not pay so much, of course.

1239. In fact, unless it was very close to a town you could not pay any such rent?—I drive it off three miles from the town myself; I mean the milk, not the grass.

1240. Is Craigentelly three miles from Edinburgh?—Yes.

1241. What would you say if it was 40 miles?—I could not say what; then I could not go for it.

1242. You could not make the grass into hay; at least, it would not pay to do so?—No, I do not think it.

1243. It must be fed off on the spot to enable you to pay 20 *l.* an acre, must it not?—Yes, it must be cut green.

1244. By Dr. *Brady.*] As a practical grazier, do you find that the grass upon your meadows is of a coarse nature?—No, it is not coarse; some parts of it are rather coarse where it does not get the water so well, owing to the nature of the ground.

1245. Do you find that a finer grass will grow with the application of this sewage?—Yes; the more regular the sewage is applied the finer the grass grows.

1246. And the softer?—Yes; softer and finer.

Cross-examined by Mr. *Corrie.*

1247. You have given us the names of these different meadows; will you give me the situation of them; I want to know which you pay the highest rent for, that nearest the sea or the other?—The one furthest from the sea.

1248. You pay the most for that meadow?—Yes; and I may mention the reason of it; it is that I have it almost at the door, whereas I drive the Craigentelly grass three miles.

1249. The reason you pay the higher rate is, not because of the higher value of the sewage, but because of its vicinity to the market?—Yes.

1250. Is that the way the whole scale goes, the higher the nearer you are to the town?—Yes; in other meadows, but not in the Craigentelly Meadows; some persons in Craigentelly Meadows pay higher according to the quality of the grass.

1251. A great deal of that high price is in consequence of the vicinity to a large town, is it not;—Yes.

1252. Supposing you to be 49 miles away from any large market, what would you then pay per acre?—Unless there were some railway or other conveyance, it would be of no use to me in the world if it was 40 miles away.

1253. As I understand, you have as much sewage as you want; there is no limit to the supply?—No limit.

1254. Did you ever make an application of this sewage in more limited quantities to any other land?—Never.

1255. It costs you nothing, and therefore you throw it on?—Yes.

1256. Do you happen to know what was the state of these meadows before the sewage was first applied; I must ask you by reputation, I suppose?—In the Craigentelly Meadows, the ground was almost useless.

1257. But is not there some vegetation where you do not apply the sewage?—In Blandfield, meadows were good garden ground before the sewage was put on.

1258. Did not furze grow there, for instance?—No, it would not grow furze.

1259. It would grow some sort of grass, would it not?—No, it would not grow grass there.

1260. You spoke of 5*s.* an acre; I know of a good deal of land that lets for 5*s.* an acre that grows something on it; you would give 5*s.* an acre, you say, without sewage?—We just take the bad with the good.

Mr. *J. Christy.*

24 March 1865.

Captain Douglas Galton, called; Examined by Mr. *H. Lloyd.*

1261. You are the Assistant Under Secretary of State for War?—I am.

1262. In the year 1856, were you appointed one of the referees to consider the question of the best scheme for the main drainage of London?—I was.

1263. You were appointed, I believe, by the Commissioners of Woods and Forests?—Exactly.

1264. Who were your coadjutors?—Mr. James Simpson and Mr. Blackwell.

1265. And the plans which had in the meanwhile been prepared by the Board of Works were submitted to you, and the whole matter was gone into very fully, I believe?—We examined into the whole question of the drainage of the metropolis.

1266. Did you yourselves prepare a plan of your own, and submit it to Her Majesty's Government?—We prepared a plan for the purpose of carrying the sewage further down the river than the Metropolitan Board of Works had proposed to carry it.

1267. I do not wish to raise questions that were proposed to be settled, but it was the feeling, I believe, of all the three referees, that it would be desirable if the outlet could be got at a lower point?—Yes, our opinion was, that it was undesirable to put the sewage into the Thames so near London.

1268. Dr. *Brady.*] So near London as the present arrangement, do you mean, or some other?—Our opinion was, that it was undesirable to put the sewage into the Thames so near London as under the present arrangement.

1269. Is that your map and plan, and does that show the line that you recommended?—Yes, it does; it shows the sewage carried down to Sea Reach when the river makes a bend near the Thames Haven Railway.

1270. I believe, among other plans before you, there was one for carrying it down to the River Crouch?—Yes, there was one.

1271. That you thought too expensive at that time, I believe?—We considered the plan, and went all over the ground, and we thought it would be too great an expense to carry it there.

1272. Otherwise were there any other objections to that plan?—I cannot recall that; I have forgotten it; but the expense was the ground, I know.

1273. Have you considered the plan that is now proposed?—I have seen the plan proposed for removing the sewage down to Maplin Sands.

1274. And does it, in your view, meet all the exigencies of the case as well as or better than any other you have seen?—It seems to me it will be a very great advantage to remove the sewage from the river and take it down to Maplin Sands.

1275. And in fact, carries out the recommendation that was made by the referees at that time?—Yes; it removes the sewage from the river to a greater extent than we proposed.

1276. At the time you laid out your plan, had you had in your mind the possibility of the sewage being taken to some extent by the farmers along the line?—We reported that it might be taken on the way by farmers down at Sea Reach, and we thought it very desirable that it should be so taken.

1277. So that in that respect also this plan accords with the view you then arrived at?—We thought that it should be used for irrigating purposes, and made use of as a means for producing crops.

1278. *Chairman.*] As far as you can form an opinion upon this scheme, do you think it is as good a one as could be devised for the disposal of the sewage of the metropolis?—I think it is a very great advantage to remove the sewage away from the river, and a very great advantage to utilise the sewage. I have not looked into all the details of the scheme, but it seems to me to be a very good one for the purpose.

1279. Mr. *T. J. Miller.*] Have you examined the state of the river since the sewage has been thrown into it at Barking?—No; I have not been to Woolwich since. I saw the river just before it was thrown in, but not since.

Captain *D. Galton.*

Mr. Cuthbert Johnson, called; Examined by Mr. *H. Lloyd.*

1280. You are Chairman of the Local Board of Health at Croydon, I believe?—I am.

1281. You use all the sewage at Croydon, do you not?—We do.

1282. In the shape of liquid sewage manure?—Yes.

1283. Croydon has about 15,000 inhabitants, has is not?—15,000 or 20,000.

1284. What is the volume of the sewage?—A million and a-half of tons.

1285. Do you confirm the evidence you gave in the year 1864 before Lord Robert Montagu's Committee?—I do.

1286. Dr. *Brady.*] Did you not propose giving evidence before a Committee over which I presided in 1862?—I think I did give some evidence shortly.

1287. You came into the room, and the Committee decided that they would not hear you?—No, they did not decide that.

Mr. *C. Johnson.*

Mr. C. Johnson. 24 March 1865.

1288. I think, upon the motion of my honourable friend on my left: I think they did?—No; a question arose with regard to some experiments which I had made upon a limited scale; somebody objected that they were too small.

1289. And therefore that your evidence was of no value?—Yes.

1290. And you have no more experience since then than you had at that period?—Yes; but you will allow me to say I had no inclination to give evidence then, but it went off upon that question. I have had the same experience of the great irrigating system at Croydon then that I have now.

1291. But the Committee decided that yours was gardening and not irrigation for agricultural purposes?—It was one that I commenced with.

1292. The truth is, that they did not consider your evidence sufficient to take, and therefore declined it?—They certainly did not go any further with it.

1293. *Chairman.*] Have you considered this scheme?—I have.

1294. What is your opinion of it?—As a sanitary commissioner, I should look at it primarily as a sanitary question, and I think, for sanitary reasons, one or two of which have not been stated before the Committee, it is by far the best scheme that has been proposed.

1295. The best in a sanitary point of view?—Yes.

1296. Dr. *Brady.*] Have you any knowledge of any other scheme?—Only generally. I have only read the evidence that has been printed.

1297. Did you see any other scheme than this?—Yes; several, I think.

1298. What scheme did you see?—I have seen the description of a scheme of a gentleman of the name of Ellis.

1299. Did you see his scheme?—I only saw the account of it.

1300. How could you, from the mere account of it, come to the conclusion that this is the best upon sanitary principles?—For this reason, it will be necessary to employ the sewage over a larger extent of land, and all land that is irrigated, whether it is with river water or sewage, in particular states of the atmosphere, has an unsavoury smell. This land is peculiarly well situated for that purpose, because the days on which that unsavoury smell is most apparent are when the wind blows from the warm quarter; when it blows from the south, the south west, or the west, upon that land, these winds will be all off-shore winds, even if it comes from the north; and that I take it upon such an extent of land, an extent which I take it will one day be vastly enlarged, is a most important consideration to which all others should give way.

1301. Are you aware how long the easterly winds blow in the spring time of the year?—They vary in different years.

1302. Have you ever known them to blow for 15 weeks?—No, I think not.

1303. Mr. *T. J. Miller.*] As I know you to be a very high authority on these subjects, will you tell the Committee, having read the two accounts of Mr. Ellis's plan and that now before us, which of the two you think the best?—I think this is a very good plan, and I think Mr. Ellis's is utterly impracticable.

Cross-examined by Mr. *Corrie.*

1304. I believe there is some little difficulty still at Croydon with reference to the sanitary part of the question?—I am not aware of any.

1305. Have you consulted any doctors on the subject?—In days of yore, a multitude.

1306. But I mean lately, within the last few months?—No.

Cross-examined by Mr. *Nicholson.*

1307. Have there been any complaints of nuisances arising from the use of the sewage at Croydon?—Not lately.

1308. What do you call lately?—Not within two or three years.

1309. Before then they were frequent?—Before then, when the acreage of the meadow land was very limited, and the sewage was supplied to 15 or 20 acres only, then the mechanically suspended matter of the sewage became too thickly deposited on the land.

1310. The sewage was used for meadow land, was it not?—Yes.

1311. Altogether?—Yes.

1312. Then, am I to understand that the distribution of sewage in considerable quantities anywhere would create a nuisance?—No, I would not say that.

1313. It might create a nuisance?—Anything might, if it was improperly applied.

1314. Of course you assume that the promoters are going to do everything properly under this Bill?—Yes.

1315. Supposing it was properly applied, and that there was 10,000 tons to the acre, what would you say of the nuisance?—I should not anticipate any such application as 10,000 tons per acre.

1316. How would it be if there was 5,000 tons?—Then I should say there would be no nuisance; there would be the unsavoury smell which you would not prefer, but it would not be what you would call a nuisance.

1317. In years gone by when there were complaints, did you call it by that name, "an unsavoury smell;" was it not something else?—I think not.

1318. What kind of soil is it at Croydon?—A thin, black, sandy kind of soil, resting upon a deep gravel.

1319. Therefore the sewage easily percolates?—It does so.

1320. Have you any experience of the application of sewage to clay land?—We have.

1321. What is the result there?—We have an opinion that it would do better for clay lands than we were once disposed to believe, from some experiments that have been made, because we have unfortunately in Croydon two or three water sheds to manage; one of these is on the London basin clay, the other is of a sandy or gravelly nature; but we have got about 30 acres now that has been converted into irrigated land upon pure clay, and it appears to be doing exceedingly well upon it; the water goes off, and, I am sure you will be pleased to hear it, very pure.

1322. Is that clay land well drained; I cannot say that it is particularly drained; I could go through the whole story, though perhaps that would hardly suit you. The system is upon the clay land; we find it run too thinly over the surface, and the grass upon the surface throws out a quantity of fibrous roots which come on to the surface, and therefore it purifies the sewage on the surface.

1323. Does

1323. Does the clay land lie well for natural drainage?—We have but very little in that way; I should say it was very fair.

1324. Supposing the land lay low, and with little or no facilities for drainage, would you consider sewage applicable?—Certainly not, without you could get the sewage or the liquid upon it quickly, and you must have it often; that is the essence of all drainage.

1325. In the event of the sewage lying on the land any length of time there would inevitably be a nuisance, would there not?—It would be just the same as water.

Mr. *C. Johnson.*

24 March 1865.

Mr. James Archibald Campbell, called; Examined by Mr. *H. Lloyd.*

1326. I am told you formerly lived at Edinburgh, and occasionally go there now?—Yes.

1327. But your present residence is at Rugby?—Yes.

1328. So that you know both the Craigentelly case and the Rugby case?—Very well, both of them.

1329. Taking first the Craigentelly, did you take some pains to ascertain what the yield was in the Craigentelly meadows?—Yes, I did.

1330. Did you find that it averaged about 47 tons an acre?—Probably so.

1331. Then, as to the price, do you find that it varied from 40 *l.* an acre downwards per annum, the average being about 32 *l.* an acre?—Yes.

1332. Knowing these facts, when you went to Rugby did you make arrangements for applying the same principle to some land there?—I did.

1333. I believe you took 115 acres and laid the town sewage upon it?—Yes, I purchased a portion of it.

1334. And you rented the rest and took the sewage from the person who had made a contract with the Board of Health?—I did.

1335. Did he do the dressings for you?—He did.

1336. How often in the course of the year?—The first arrangement was that five dressings were to be applied during nine months of the year.

1337. Then some question arose, and Mr. Mechi decided how much was a dressing?—He did.

1338. How much did he decide was a proper dressing each time?—Ultimately 9,000 gallons for a dressing; 45,030 gallons in a year. About 200 tons.

1339. About 200 tons in the year?—Yes.

1340. Do you find that that 200 tons has any perceptible effect upon the crop?—No; none.

1341. Then do you adopt the plan of concentrating all the sewage you get upon the 12 acres in your land instead of spreading it over the 115?—The change is gradual. The first year I found the dressing not sufficient to produce any appreciable benefit; next year I reduced it; I still found the quantity was too small; third year I reduced it again, and so it went on till at last what you state is pretty nearly the fact, that 15 acres took the whole of it. I do not mean to say that occasionally some other portion of the land may not receive a dressing, but as a general rule the main body of the sewage I receive now is applied.

1342. *Chairman.*] How many tons an acre does it take now?—That is a very difficult question to answer, because the flow is not regular, some portion of my land is at a considerable higher elevation than that of my neighbour who receives it, consequently the flow is not even: sometimes I receive none when I want it most.

1343. But it is very much larger than 200 tons an acre?——

1344. Mr. *H. Lloyd.*] You can give us some idea, it would be some thousand tons over the 12 acres?—That requires a little explanation. I may mention that in consequence of the first agreement not working well a second agreement was entered into, by which there was no limit put upon the dressings at all. I was allowed to apply it as it came as I liked.

Mr. *J. A. Campbell.*

1345. Has the result been satisfactory?—Do you mean in a pecuniary point of view?

1346. In an agricultural point of view, in the crops you have got?—Speaking in an agricultural point of view, where I put considerable dressings we have got very large crops; but that is a different question as to what I paid for it.

1347. About how much per acre would that produce before; how many tons?—I do not quite understand the question.

1348. Without the sewage, if you had not applied sewage, how many tons of grass crop per acre could you have got?—If unsewage land was cut green to take to the cows, it would be between seven and eight tons to the acre.

1349. And you produce how many now?—I have produced as much as 23 to 24 tons to the acre; I may mention that some of this land, which has been experimented upon by the Royal Sewage Commission, is on my farm, so that, of course, I know the extreme quantities that were produced there by the application of 9,000 tons, and it was greatly more than I had ever raised on my own land.

1350. Are you satisfied that sewage may be applied in that way to light land?—Certainly.

1351. With profitable results?—With profitable results; it depends upon what you pay for it..

1352. With respect to that, is it a fact that the necessity of taking it all times, whether your crop at the moment requires it or not, makes it much less valuable to you than if you could get it when and as you pleased?—Clearly.

1353. If you could pick out your own days and quantities, what would you give for it?—If I could take it when and where and as I pleased, do you mean how much per ton would I give for it?

1354. Yes, at Rugby?—I think I would give 2 *d.* a ton.

1355. Taking it as you can get it, is it worth anything like that to you, taking it as you, in fact, have it?—Taking it the whole year round, it is not; if I was forced to take a large quantity of sewage throughout the whole year, I should not like to take it; if I did I should not like to give more than from a farthing a ton to a halfpenny.

1356. So that the value depends very much upon your being able to get it when you require it, and in the quantities you want?—Yes; then I think it would be very valuable, either in large or small quantities.

1357. Would you approve of a scheme by which the farmers would have an opportunity of applying for it when they require it, and at other times it should flow down to these sands?—

Mr. *J. A. Campbell.*

24 March 1865.

Generally speaking, hearing what I hear, and seeing what I do, it appears a very feasible plan of using the sewage.

Cross-examined by Mr. *Corrie.*

1358. I do not clearly understand how you dispose of the surplus sewage; that which you do not want at Rugby you pay so much for the dressings, what becomes of that which is not used?—The dressing system has been done away with; we do not apply it by dressings now; it percolates in iron pipes, under a certain quantity of land, and we let it flow where it is wanted.

1359. How do you pay for it?—I pay so much per annum to the lessee of the sewage.

1360. Taking as much as you like?—As much as will come to me; I wish it was as much as I liked.

1361. Dr. *Brady.*] Then you have not got any excess?—No.

1362. *Chairman.*] Not at any time in the year?—No, I have not; I never have enough.

1363. Dr. *Brady.*] If you had any excess, do not you think that your neighbours would be very glad to receive it from you?—I think not.

1364. And hence, if you had three times the amount of sewage which Rugby produces, it could and would be used by the farmers around?—Well, I think it would.

1365. Are the lands that have been experimented upon by the Royal Commissioners well laid out for the purpose?—I think so; as well as they could be under the circumstances.

1366. Are they even?—They are generally upon the slope, and in some cases it is ridge and furrow, and the water course is taken down the crown of the ridge.

1367. And a large portion gets within the furrows?—Yes.

1368. And percolates into the land about it?—That may be sometimes; but the system is to have men to attend to it.

1369. Supposing you put 9,000 tons an acre per year, must not a large quantity pass over?—I think 9,000 tons spread over the whole year is not so very large a quantity.

1370. How could they put it on in July when the grass was growing up?—It could not well be put on then, except on that part that had been recently cut.

1671. If there was land around that had been recently cut, it could be properly applied?—Yes.

1372. But the Royal Commissioners had not any land to put it on, save that which was under grass?—They only used a certain portion of it.

1373. Mr. Lawes stated before a Committee of this House that they used it as was done at Craigentelly; that is to say, he was constantly using it?—He constantly used it. I think they put so much on through the day in order that it might spread over the whole year.

1374. Was his evidence before the last Committee that the grass at Rugby became very much deteriorated by the application of such large dressings as were applied, is that the fact?—I think not.

1375. Is it within your knowledge that large dressings produce good grass, or the reverse?—It depends upon the purpose for which you require to use the grass. If I wished, as I do, to get a very large quantity of herbage to give to my cows to produce milk, I do not care what the grass is; the stronger and coarser the better.

1376. If you wished to produce new hay and profitable for the keep of cattle during the winter, you would apply a smaller quantity of sewage over a larger area of meadow?—I would rather not use the sewage at all under those circumstances.

1377. Supposing you had it, would you not use it in the way I speak of?—I do not think I should use it at all if I wished to get fine hay for horses.

1378. Have you ever tried the experiment?—I have largely.

1379. I mean you have applied small dressings?—Very small.

1380. But have you applied say 800, or 900, or 1,000 tons per acre?—Oh, yes; and much less.

1381. Have you applied that particular quantity?—I do not know that I can say I have used 1,000 tons, but I have used all quantities, from 18 or 20 tons up to a very large amount, 5,000 or 6,000.

1382. Do you consider that the property which you are now engaged in farming has been improved by the application of the sewage?—In one way it has; in another it has not; that is to say, if it was used for the purpose that I use it for, as a dairy farm, and I could continue the application of sewage, it has been improved; but if I were to revert to the ordinary system of farming, I should think it has not been improved at all.

1383. Then you find it very useful for dairy produce?—Very useful indeed.

1384. With great results?—With very good results.

1385. That has not been the case with the experiments by the Royal Commissioners?—Yes, I think it has.

1386. If Mr. Lawes stated here that it was not good for fattening or producing butter, would he be right or wrong?—He would be quite right if he said it would not do for fattening alone.

1387. It has been stated here to-day by a gentleman from the Craigentelly meadows that nothing produces or gives more produce for the cows than the use of this grass; that it was better than clover, or anything else?—I thought you spoke of milk; fattening is quite distinct, because we know quite well, from an experiment that I wished tried at Rugby, that anything given alone to cattle does not fatten; and my own private experiments go to prove that it does not fatten my cows.

1388. If you were intending to produce beef or mutton, you would not give either sheep or bullocks one food alone, would you?—As a general rule, I think a change of food is a good thing.

1389. Do you know that the fact of giving any one food to an animal for a long period is rather detrimental than of use?—I would not say that, but you might do it more profitably if you gave a different food.

1390. Then you would give the sewage grass as you would any other food?—Yes.

1391. You would mix it with other foods?—That would depend upon circumstances. I dairy farm largely. I give a certain quantity of grass, I have tried it alone, and I have tried it with other foods. There was not so much difference between the two as I expected; the cows took a very large quantity of the sewage grass, not so much of the dried grass.

Cross-

Cross-examined by Mr. *Nicholson.*

1392. Do you think that the farmers through whose lands this sewage is to be carried ought to have an opportunity of taking it to the place they desire to?—I do not think that I am qualified to pronounce an opinion on the subject.

1393. Would you be content to have your farm cut up without the opportunity of using the sewage?—I should not like my farm cut up under any circumstances.

1394. Would there be any benefit to you unless you could use the sewage?—I should think not.

1395. Nothing but damage?—I should think not.

Mr. *J. A. Campbell.*

24 March 1865.

Mr. Frederick Wagstaff, called; Examined by Mr. *H. Lloyd.*

1396. Are you a farmer residing at South Ockendon, which is shown on the map?—At South Ockendon and Stifford both; they are adjoining parishes.

1397. About how many acres do you farm in all; about 1,200?—About 1,200.

1398. So that you could be reached by the sewage from the culvert over the greater part of your farm; and as to some portions, you might have to pump if you wanted to use it that way?—Yes, some portions of it.

1399. *Chairman.*] Are you on the east or west side of the road, as shown upon the plan?—On both sides.

1400. Mr. *H. Lloyd.*] Do you use the greater part of the acreage of your farm for growing London market produce?—A good deal of it.

1401. Rather more than half, I think?—Yes, perhaps 600 or 700 acres a year.

1402. What is the character of the soil; does it vary a good deal in different parts?—Yes.

1403. Is some of it light soil?—Some is light, some heavy, and some clay.

1404. Do you use at the present time a considerable quantity of manure on your farm?—We do.

1405. And have you to bring your solid manure down from London?—The greater portion of it.

1406. How do you get it from London?—By the Tilbury Railway, and by water to Grays.

1407. Then you have to cart it from there?—Yes, on to our farms; one is three miles, and the other is six miles.

1408. I need not ask you if that makes it very expensive?—It does, indeed.

1409. About how much does it cost you a load, if it is not going too much into your private matters?—When we get it home, and get it mixed up ready to put on our land, about 1 *l.* a load.

1410. With the crops you grow, do you find liquid manure an important thing?—We do.

1411. Do you actually manufacture your own liquid manure because you cannot get a natural liquid manure?—Yes; we are compelled to at certain seasons of the year.

1412. Guano and water?—Yes.

1413. That is in the hot season, in the drier part of the autumn, is it?—Yes.

1414. How do you get it on to the land itself when you have manufactured it: by pipes?—By water carts, and carrying it on.

1415. Supposing this culvert is constructed, should you be disposed to take the sewage manure at a fair price from them?—Yes; we should be glad of it.

1416. And if it was taken along the road to your farm, would you take it at the boundary of your farm, and undertake the distribution over the farm itself?—Yes; over our own places.

1417. And pump over those parts, which could not be reached by gravitation?—Yes.

Mr. *F. Wagstaff.*

1418. *Chairman.*] Does any part of your farm touch the line?—Very close.

1419. But it does not touch the proposed red line, does it?—No; it does not quite reach to North Ockendon; it joins the parishes.

1420. If you got it from the land it would come down the road as far as North Ockendon, would it?—Yes, past our premises.

1421. Mr. *H. Lloyd.*] Is your farm coloured green on the map?—Yes.

1422. *Chairman.*] It is that green part at the east of the road, is it?—Yes.

1423. Mr. *H. Lloyd.*] In some parts the pumping would be required, and the rest would be reached by simple gravitation; is that so?—Yes.

1424. How much per acre does dry and liquid manure cost you at present?—It all depends upon the crop we grow.

1425. Have you gone to as much as 20 *l.* an acre for your manure?—More, for some parts.

1426. Supposing you could get the sewage manure at the particular time it was most useful to you, and in the quantities you required, if you were not obliged to take at the other times, would you take a good deal of it?—Yes, we could.

1427. And what would you be willing to pay for it?—We should be willing to pay twopence a ton.

1428. Do you think that it would pay you to give that price for it?—Yes, I do.

1428.* Do you believe that there are other lands in the neighbourhood to which the sewage could be profitably applied besides your own?—I do, because the farms in our neighbourhood are principally under drainage as well as our own.

1429. *Chairman.*] Are they large farms?—Yes.

1429.* 700 or 800 acres?—Yes, several of them.

1430. Mr. *H. Lloyd.*] Is there a good deal of light soil about that neighbourhood which would drain off the superfluous moisture, and be suitable for the sewage manure?—Yes, I should judge so.

1431. Then, I suppose I may number you amongst our supporters?—Yes, you may.

1432. Mr. *Paget.*] Is your land on the chalk?—Some of it is on the Gray's vein of chalk.

1433. Mr. *Sclater-Booth.*] Is there anyone else's land between the land you farm and the culvert?—Yes, there is another man's land, Mr. Benyon's.

1434. Would the manure have to be brought as a matter of necessity over his land before it got to yours?—It would come by the high road; a straight road.

Mr. JOHN OAKLEY, called; Examined by Mr. *H. Lloyd.*

Mr. *J. Oakley.*

24 March 1865.

1435. ARE you a Surveyor carrying on business in Regent Street?—Waterloo Place.

1436. Are you also well acquainted with farming?—Yes, I have been a farmer all my life.

1437. And rather pride yourself upon a good knowledge of that most difficult practice?—I am very fond of it.

1438. Do you happen to know, both as a surveyor and as a farmer, the general nature of the country, and of the soil which is passed through by this conduit?—I do not think there is a parish about the red line routes that I have not bought, sold, or valued in. I bought the Bow and Barking Railway, which is on that plan, and I bought the Metropolis Sewer, which is also on the plan; and I valued from Pitsey, the Colchester Railway, a few years ago.

1439. Taking first the part from London down to Pitsey, is there along the line of the conduit there, a good deal of light land?—Yes, there is very little clay proper until you get to Pitsey; there is some about Bulford, but not a great deal.

1440. What is the character of the soil along that part?—Gravel sub-soil, and there is some which some people might call clay; good brick earth I do not call clay. Clay on the map would be round the Langdon Hills.

1441. *Chairman.*] I suppose there is clay underneath it all, is there not?—I am not a geologist. I do not know whether there is or not.

1442. Mr. *H. Lloyd.*] Are there some thousands of acres of that light land there?—A great many acres. I have not gone into the quantity.

1443. Would it be sutiable for the application of sewage manure?—I should apprehend so. I have never used sewage manures myself; I have used the solid excrement for many years at Chatham, but I have never used that.

1444. Tell me about No. 1 Branch, that is the upper branch of the two: along there also, is there a good deal of light land?—Yes, particularly from Barnham across into the Maplin Sands.

1445. And again along the lower branch by Rochford?—Yes, and all South Lambridge is a very fine light soil.

1446. One way or another, is there a great deal of light soil along the line of this culvert just suited for the application of sewage manure?—Yes; according to my knowledge of the point, I think so, decidedly.

1447. Have you seen the land of the Messrs. Gurney, who are Petitioners against this Bill?—Yes.

1448. *Chairman.*] Whereabouts is their land?—At Plaistow, close to London; it is as near as possible where the word "West Ham" is on the map.

1449. Mr. *H. Lloyd.*] Is there anything in the character of their property, or in the way in which it is intersected by this plan, that makes it anything but an ordinary case of compensation?—The great bulk of the land is market-garden land, and there is a long term to the lease; there is one residence, occupied by Captain Pelly for three years, that is exactly where this red line runs out from the main sewer.

1450. So that you think it would be met in the ordinary way, by compensation?—The agents of both the owners you have named, Messrs. Gurney and Captain Pelly, have been with me for the purpose of settling the amount of compensation.

Cross-examined by Mr. *Nicholson.*

1451. Is a good deal of the land to which you have been referring, between Barnham and Maplin, and again from London to Pitsey, below high-water mark?—I cannot tell you that. Dingey parish I valued 25 years ago, for tithe commutation; the lower part of that parish is marsh; the upper part of the parish is very much higher ground. I cannot tell how much higher.

1452. Then you cannot tell me whether, as to that district, you have a personal knowledge that the land is below high-water mark or not?—No.

1453. If it were below high-water mark, would you consider it suitable for the application of sewage?—If you could get rid of the surplus water.

[Adjourned to Monday, at 12 o'clock.

Lunæ, 27° *die Martii* 1865.

MEMBERS PRESENT:

Mr. Ayrton.	Dr. Brady.
Mr. Knight.	Mr. Miller.
Mr. Sclater-Booth.	Mr. C. Turner.
Mr. Paget.	Mr. Clay.

The JUDGE ADVOCATE IN THE CHAIR.

Mr. *Lloyd* stated that he had various witnesses on the chemical and agricultural features of the scheme, but he did not propose to give the Committee their evidence unless they wished for further information on the subject of the applicability of sewage manure to light soils.

The Committee room was cleared.

On counsel and parties being called in, the Chairman said the Committee had come to no formal resolution. They were not disposed to hear the witnesses suggested by Mr. Lloyd, but it might possibly be necessary to hear them at a future time. If there were any that had come from a distance the Committee would hear them now; but if they could without inconvenience come at a future time they would rather not hear them now.

Mr. THOMAS WATERSHAWS, sworn; Examined by Mr. *Lloyd*.

Mr. *T. Watershaws*.
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1454. ARE you a farmer living at Rumford?—I am.

1455. That is marked on the map a little above the green?—Yes.

1456. Do you farm about 140 or 150 acres there?—Yes.

1457. Are you also chairman of the Rumford Local Board of Health?—I am.

1458. Does your farm land lie sufficiently low to be reached by the sewage by simple gravitation?—I think my farm is, if anything, lower than where the main line is.

1459. *Chairman.*] Immediately to the south of Rumford?—I am to the north of this sewer; I am south-west of Rumford.

1460. Mr. *Lloyd.*] Between Rumford and the line of this conduit?—Yes.

1461. *Chairman.*] Between the railway and the sewage line?—Yes.

1462. Mr. *Lloyd.*] Is your farm principally for market gardening, for vegetables, and so on, for the London markets?—Yes; about two-thirds is principally grown with vegetables.

1463. And is it a light soil?—It is all light.

1464. And do you spend a good deal in the course of the year upon it in the shape of manure?—From 10 *l.* to 20 *l.* an acre; it depends on the crop.

1465. Do you consider that your soil and the cultivation of your farm is such that sewage manure will be suitable for you?—I think it would be highly beneficial.

1466. And if this Bill passed, and when the works are executed, should you be prepared to take it at a fair price?—I should be very happy to have it if I could have it conveyed to my farm.

1467. If it could be brought and delivered at the edge of your farm you would take it, and you would undertake everything afterwards?—Yes.

1468. And do you believe it would be beneficial for it?—It would be highly beneficial, I believe.

1469. And do you believe that there is a good deal of land in the neighbourhood for which it would also be beneficial?—Yes.

1470. Light soil as your own?—It is all light.

1471. And all land that is rather highly manured?—Yes.

1472. I believe you endeavoured to get the sewage manure of Rumford, but were unable to do so?—I made an offer to the Board of Health of Rumford to find a place to deposit the sewage if they would convey it there to my farm.

1473. They were not able to come to an arrangement with you about the storing it, or something of that sort?—No, they did not.

1474. And you believe that besides yourself there would be others who would be willing to take the sewage?—I have no doubt of it.

Cross-examined by Mr. *Corrie*.

1475. You would be glad to have it delivered?—Yes.

1476. What price have you thought of?—Anything that might be considered a fair price.

1477. What do you call a fair price?—I have not made a calculation of that.

1478. How much a ton?—About 2 *d.*

Cross-examined by Mr. *Nicholson*.

1479. You would be glad to take it if it could be delivered on your farm?—Yes.

1480. Would you go to any expense to ensure delivery?—No, it would not be policy for any tenant farmer to do it.

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1481. You say you pay as much as 20 *l.* an acre for manure?—Yes.

1482. If this is to be substituted for other manure, would you be prepared to go to any expense to get it?—I do not say that we could do without a solid manure by having that, but it would be highly valuable to any land in my locality.

1483. Just look at that map (*pointing to the map on the wall*). You see there is a green fork which runs up towards Rumford?—Yes.

1484. Is your farm on any part of that green; does that green cover any part of your farm?—Yes.

1485. Is it near the main conduit, or a distance from it?—As near, I should say; something like half a mile.

1486. Do you believe that this Bill would enable you to get the sewage from the conduit?—I have no doubt of it.

1487. Do you suppose that you would have a right to take the sewage from the conduit?—If they could convey it to my farm, I should be very happy to have it.

1488. Do you think you can insist on having the sewage delivered on your farm?—I cannot answer that question.

1489. I only want to know what is your impression of the Bill; you would expect the Company to lay pipes to your farm?—I should suppose that they would not convey it to me only, but to other people.

1490. You have no doubt that others would take it; have you talked to anyone about it; do you know anyone who would take it?—No; but I am satisfied if they saw the beneficial result from one taking it, others would very soon take it afterwards.

Mr. Henry William Petre, sworn; Examined by Mr. *Lloyd.*

Mr. *H. W. Petre.*

1491. Your brother, Lord Petre, is a large landowner in the county of Essex?—He is.

1492. And you yourself are named in the Bill as one of the directors of this Company?—Yes.

1493. Was your reason for associating yourself with it and allowing your name to be used as a director, your belief that it would be beneficial to the county of Essex?—It was.

1494. Are you acquainted with the eastern part of the county of Essex and with its requirements, the part about where your brother's property is situated?—Yes, I am pretty intimately acquainted with nearly all that is shown on that map.

1495. Can you tell us whether the evidence we have heard is correct, that a good deal of the soil through which the conduit passes and in the neighbourhood of it will be a light soil, sandy in some parts and light loam in others?—I should say the greatest portion of it is light and free draining land.

1496. Do you also know whether it is a dry county, occasionally in want of rain and water there?—I believe it is supposed to be the driest part of England, that and the rest of the county and the two adjoining counties to the north of it.

1497. Do you know whether that is so to such an extent that it actually interferes with the proper productiveness of the land?—I do not know that it does that exactly; there are certain districts on that map that can hardly have too much rain.

1498. Do you know whether the farmers of that county buy manure extensively, and carry it a considerable distance for use on the farms?—Yes, a great deal of manure is brought from London over the whole of that county.

1499. Have you a practical acquaintance with farming and other agricultural operations of all kinds?—Yes, to a certain extent.

1500. Do you consider that the introduction of sewage manure by the means proposed will be a benefit to the county?—Without a doubt.

1501. You say that from your knowledge of the county and its requirements?—Yes.

Cross-examined by Mr. *Nicholson.*

1502. I suppose you would be prepared yourself, if you needed it, to take sewage from this Company?—Yes.

1503. Do you confirm the evidence that has been given by other witnesses that it would be worth 2 *d.* a ton?—I think it is a very difficult matter to say what it would be worth.

1504. Mr. *Paget.*] Two pence a ton, supposing you could have it when you wished it only?—It is difficult to say; it depends on so many circumstances.

1505. Mr. *Nicholson.*] Taking the lower part of that green land, the part nearest the Thames, is not a good deal of that below high water mark?—Yes.

1506. Well drained?—Yes.

1507. Is it clay?—No.

1508. What would you say are the Essex Marshes; are they clay?—They are not clay.

1509. Light soil?—Yes.

1510. Would you think that the application of sewage to the Essex Marshes would be beneficial?—No doubt in certain seasons it would be.

1511. You form no idea as to the quantity of sewage which you would think proper to apply to each acre; you have not gone into that question?—It must depend very much on circumstances; I am not prepared to say what quantity.

1512. *Chairman.*] Have you considered this plan which we have before us?—Yes.

1513. Is it, in your opinion, as good a plan as can be devised for disposing of the sewage?—As far as I am capable of judging, it is.

1514. Dr. *Brady.*] You are a director of this Company?—I am.

Mr. John Frederick Bateman, sworn; Examined by Mr. *V. Harcourt.*

Mr. *J. F. Bateman.*

1515. We know that you are an engineer of the greatest experience in hydraulics of all descriptions; were you the engineer of the Manchester and the Glasgow Water Works?—Yes.

1516. Besides many other things in which you have been engaged, you have also been engaged in irrigation works in Spain?—I have been engaged in various irrigation works in Spain. I am now making two irrigation canals, each about 26 miles long, in different parts of Spain; and I am reclaiming

reclaiming from the sea on the shores of the Mediterranean, and in other ways, about 20,000 acres, draining and irrigating.

1517. I believe you have also had great experience in the construction of sea embankments?—I have had some experience, but I cannot say great. I have had experience in embankments in exposed situations. I am engineer to the Clyde Navigation, the Mersey and Irwell Navigation, and the Duke of Bridgewater's Canal, which have made me well acquainted with sea works.

The *Chairman* said they had got the decision of the referees on the engineering question, and it was unnecessary to go into that.

1518. Mr. *V. Harcourt.*] As the Committee are satisfied on the general features of the scheme, I will ask you to address yourself to that particular point; first of all, how do you propose to deal with the fluid on the sand so as to carry it away to the sea?—The sewage water which will accumulate on the sands during the time that the water outside is higher than the land inside will be held in drains, and will be discharged as the tide recedes at low water, or it might be pumped out by steam power upon any direct request for perfect drainage; but there is no difficulty in discharging it by the ordinary mode of letting it out at low water, and at the worst take a neap tide where the water will be nearest to the level of the embankment at low water, and where the time at the command of the promoters to discharge the water during low water will be the shortest, the whole sewage which will be poured on at that time, allowing one-half to be absorbed or taken *en route*, and the other to be collected on the sand, will be collected in a drain 25 feet wide, and 1 foot deep along the foot of the bank inside, or in drains which will have an equivalent to it, and inasmuch as the embankment must be composed to a great extent of the material excavated alongside; that back drain, as it is commonly called, will be formed in the ordinary course of constructing the bank, and that will receive the sewage, and will be discharged at low water.

1519. Let me ask you with reference to the sea water after the embankment is made; do you anticipate any damage of the sea water returning on the reclaimed soil?—

Mr. *Miller* said that was answered by the Report of the referees.

My belief is that not one drop of water will come through during the period of high water. I am very much in the habit of constructing extensive filters to filter pure water for waterworks purposes, and if I made a filter of that material, I could not get a drop of water through it. Mechanical filters are made of washed sand, and after a short time the surface would be clotted over, so that they will not work, and then we should have to scrape off the surface to expose a fresh stratum of the purest sand, and if we tried by any process, we should not be able to get a drop of water on that sand after the embankment is there.

1520. *Chairman.*] When it is high water, and the water outside is higher than the inside, will there be no salt water sink down through the outside and rise up within?—I do not believe there will be a drop; I have gone over those sands and pudded them up; my belief is that not a drop will pass from the outside to the inside.

1521. Mr. *Miller.*] Do you confirm this report which says that there are no quicksands, and it is not likely that there will be any filtration?—There are no quicksands, and there will be no filtration at all.

1522. Mr. *V. Harcourt.*] Will you state to the Committee as to how you propose to distribute the sewage to the farms along the course of the conduit?—That will depend on the circumstances of the ground, and the locality and the proximity of the farmers to the conduit. I think Mr. Hemans, who has paid more attention to that particular subject along the line than I have, describes how it was to be done by means of syphons to those lands close to the line of conduit, where farms are distant, and where rights of passage cannot be obtained between intervening portions of land, it will necessarily have to be conveyed by means of pipes, and be distributed in the ordinary way on to the land, and distributed over the land itself as the farmers themselves may choose. On the sands the various modes may be used for applying it, either in the ordinary way of ridge and furrow; a carrier on the top of a ridge may be prepared for it, with a drain at the foot, so as to carry off the surplus water, or in the way they do in Spain, where water is of great value, the land is prepared in level terraces, it is admitted into one part after another, consisting of shallow pans, with a little embankment all round, and there a quantity of water, generally equal to two and a half inches in depth in one irrigation, is allowed to flow over and soak into the ground; and that is repeated from plot to plot. That answers perfectly well in Spain, and I do not see why it should not do so here.

1523. Mr. *Paget.*] How many inches of water are put on at each irrigation?—About two and a half inches, except in rice grounds. The Spanish irrigation consists of two and a half inches, or thereabouts.

1524. Does the water stand after the absorption of the soil?—It is separated into pans according to the character of the ground; every kind of ground; everything is irrigated.

1525. Do you stop the irrigation when there are two and a half inches of water on the land?—Yes; then it soaks in.

1526. That is in addition to what it has absorbed before the water is on it?—Yes.

1527. How much is absorbed before the water begins to stand?—That I cannot say. The ground to a great extent, in Spain, is less sandy than this, and I do not think there is any considerable addition during the short time they pour it on. The pans are made small, and the water is allowed to run on till it fills them, and it is allowed to soak; but where the ground has been recently broken up, a considerable quantity will be absorbed in addition to the two and a half inches.

1528. How many irrigations are there in the year?—The average number of irrigations will probably be about 12 in the year; that will make about 30 inches, exclusive of that which is absorbed in the actual process of pouring it on.

1529. I suppose it depends very much on the character of the soil?—Yes, very much.

1530. Mr. *Ayrton.*] What is the character of the inclination?—About three feet a mile; the total rise of a spring tide is about 15 feet from low water to high water against the Foulness shore; but at a tide of that height the water

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stands on the shore against the present bank about three or four feet; if you deduct 3½ feet from 15, that leaves you 11 or 12 feet; and the breadth is nearly unifom.

1531. Mr. *Paget.*] Have you had any experience in piping?—I have not had any considerable experience; but, to speak of the general result, I should think piping an expensive process, because it will certainly not do unless you have great pressure.

1532. Dr. *Brady.*] Supposing you were to pump the sewage 200 or 300 feet high, would you require much steam pressure then?—If you pump it so high, there would be the cost of the pumping. It does not follow you would have the pressure of that unless you pumped it up into a sort of monument, because you would have the ground gradually falling down from that.

1533. Supposing you treat it in the same way as you do common water to supply houses?—Yes, that might be done.

1534. Then it would be only the expense of pumping up?—In the piping for distribution. I have had a great deal to do with distributing water for drinking purposes.

1535. You know something of the cost of distribution?—Yes; for drinking purposes to dense populations I do a great deal.

1536. Mr. *Paget.*] Is there any formula by which you can describe the cost?—To agricultural purposes, I cannot; but the cost of distributing to towns I can tell you shortly; it varies from 5 *s.* to 15 *s.* a head, according to the wide-spread or closely peopled districts; but I do not think it is at all applicable to agricultural purposes.

1537. Dr. *Brady.*] I want to know the cost of distribution; how many gallons?—I do not quite understand the question.

1538. How many gallons per head would this 5 *s.* per head count for?—The consumption there is, according to the character of the population of the town, from 15 to 16 gallons per head on the whole population to 50 gallons.

1539. Per day?—Yes. In London the ordinary consumption is about 31 or 32 gallons a head; in Manchester it is 21 gallons; and in Glasgow it is 50 gallons.

1540. What in London is the cost of distribution of 31 gallons a day?—I do not know.

1541. What is the 5 *s.* a head?—The actual cost of piping, independent of all other expenses.

Cross-examined by Mr. *Corrie.*

1542. The land you have been reclaiming in Spain was of a more tenacious kind than this?—Yes, generally.

1543. There were other substances than sand?—More clay, in a large portion; almost the whole of the irrigated portion of Spain is alluvial, consisting of a large quantity of clay.

1544. We have no information as to how it would operate on this mere sand; how do you suppose the soil is to be acquired?—I do not suppose for sewage purposes you require more than there is there.

1545. You consider that in time it would make a soil?—Immediately; it would not require time: there is a certain amount of alumina mixed with the sand; it is now very tenacious; there is no blown sand; there is an evidence at once by which one may see what it is; it is not so light as to blow about: there is a great deal of sand on the sea shore that is blown about, but there is none here; and therefore there is a certain amount of clay mixed with the sand to give it a great tenacity.

1546. Am I to understand that the embankment being formed, the sewage poured on, you might immediately begin to grow?—You might grow from that time forward; of course you would have to prepare the ground, and clear it of the salt which is now impregnated with the sand.

1547. At present we have had no explanation of how that process is to be carried on?—That will follow the ordinary process of all land reclaimed from the sea; the water which falls from it and the water poured on it will gradually wash the salt out; it cannot be immediately relieved of salt, but in a short time, according to the quantity of rain that falls, or fresh water poured on it, the salt will be washed out.

1548. How long a time will it take to wash out the sea-water to begin with?—That I cannot answer; but in the land which is reclaimed on the shores of Ireland, I believe——

1549. Will you speak from your own knowledge?—I am doing so; I say that crop begins about the third year; that is not irrigated land; that is merely from the effect of the water which falls on it, and if you add the advantage of pouring water on it, which would wash the salt out, then the crops would be produced so much earlier.

1550. I do not want to take an imaginary case?—I say in reclaimed land, where there is no extraneous mode of washing the salt out except the rain which falls on it, a profitable crop begins on the third year, but where you introduce the washing process I cannot say how soon the salt will be washed out, but it will be earlier than it would be by simply the rain falling on it.

1551. The salt being washed out, is there anything else that you want to do with the land before it is prepared?—The land will, according to the process you adopt for irrigating, either have to be prepared on the ridge and furrow system or on the terrace system, which is adopted in Spain, and possibly drained, I am not quite sure as to that, and arrangements made to pour the water on and taking it off. I have here a plan before me which shows one method which is proposed to be adopted.

1552. At present we have no information on the subject?—Here the sewage is proposed to be taken from the main conduit. This is, in fact, a drawing showing the area of the enclosure on the Maplin Sands; this is the point at which the sewage will be brought in contact with the sands that will be carried along to have an outfall by the sea through the embankment, and the sewage will be taken laterally by various conduits, places at which it can be tapped, from there and conveyed by carriers so as to be distributed by subsidiary carriers on the ridge system which drains below, and the water having passed over that brown part will be picked up again by the drain at the bottom, and conveyed with the descent of three feet in a mile to a third zone, after which it will be discharged in the sea; other carriers will take the water to the part coloured green, which is the second zone, and that which is not entirely exhausted on that will be picked up and passed through the brown and distributed over the lower green and then to the sea. That is one system; there are others.

1553. We will take that one which you have just

just spoken of; let me ask you what do you suppose would be the expense per acre of preparing the land to grow crops?—From 2 *l.* to 5 *l.* an acre.

1554. Not more than 5 *l.*?—I do not think it will be more than that.

1555. *Chairman.*] All open drains?—Yes.

1556. Mr. *Corrie.*] Do you say you could do it for 5 *l.*?—Probably much less; I think the probable cost may be 3 *l.* or 3 *l.* 10 *s.* an acre.

1557. You do not want anything, the sewage will supply all the rest of the substance?—The sewage will supply the imbution to the plant, you must introduce the plant.

1558. What will the land cost you per acre?—As far as the agricultural process is concerned you had better ask an agriculturist.

1559. Mr. *Clay.*] Have you ever seen a reclamation on the way to Coleraine?—Yes, on the shores of Lough Foyle.

1560. Do you know how long a time it was before the salt was washed out of that and before luxuriant crops grew there?—I believe about three years.

1561. And is the soil there on the shores of Lough Foyle on that part of the reclamation at all similar to that on the sand coloured red?—Almost all the Irish slobs, as they are called, are generally more mixed with calcareous matter; the whole of the interior of Ireland consists to a great extent of lime, and it is washed down to the estuaries of the slobs, or mixed with calcareous matter which gives them a tenacity.

1562. Do you consider that this sand here is as well calculated to be turned into good land as that Lough Foyle slob?—Yes, I do; it is as well calculated for the construction of works, I should say better, in fact.

1563. Dr. *Brady.*] Is there the same amount of calcareous matter here?—No.

1564. Is it not the principal thing which makes land in Ireland valuable?—Yes, no doubt it does give a value to the slobs.

1565. And the absence of that calcareous matter here must necessarily be a drawback to the sand?—If you have nothing else to supply its place; but there is a certain amount of calcareous matter in the sand, according to the analysis, and when you have the sewage supplied it will be more than counterbalanced.

1566. Mr. *Clay.*] That Lough Foyle slob has become valuable and fine land?—Yes.

1567. Dr. *Brady.*] As to the Lough Foyle slob, is it above or below the level of the sea?—Below the level of the sea at high water.

1568. How much of it was under the sea before it was reclaimed?—The whole of it, or nearly so.

1569. Mr. *Ayrton.*] What is the length of the sands between there and the sea?—Altogether 21 miles.

1570. Have you made any calculation of the length of time which a ditch 12 miles long and 25 feet wide and one foot deep would take to pass the sewage that flows from London?—Nine hours.

1571. Mr. *Paget.*] Will you observe the points marked white between the green colour?—Yes.

1572. Assuming that if the sewage were pumped up 50 feet, all the parts marked white surrounded or nearly so by green, would be irrigated, do you think it would be better to irrigate the white land than to send it on the flats and embank the land?—That depends on the corresponding payment in price. It might and would be better if the price to be paid by the farmers exceeded in value the profit to be made out of the sand. It is a matter which we cannot determine at present.

1573. You have not gone into the calculation at all?—No. I hardly see how it could be made, because it depends on the demand. If you give 2 *d.* a ton for all that comes, or irrigate all the green parts and the white, then carry it to the red patch.

1574. *Chairman.*] That land at Lough Foyle has become good land?—Yes.

1575. One of the witnesses said that the sand in the neighbourhood of Edinburgh could not become good land, but that it was only by the continuous application of sewage, and there were only a few inches of vegetable soil. How is it that Lough Foyle is good to a great depth, and that this at Edinburgh remains without anything good on the top?—The difference in the constituents of the sand. The Lough Foyle soil is largely mixed with calcareous matter, and is, after the sea is taken from it, good soil, as the farmers would call it; therefore the natural condition of the two things is different.

1576. This approximates much nearer in character to the Edinburgh sands than to the Lough Foyle?—Yes; the Dengy Flats approximate, so far as the vegetable soil goes, more nearly to the Lough Foyle. That is hardly soil at all; it is rich mud. It is hardly possible to walk over it.

1577. That would be reasonably fertile by the exclusion of the sea?—Yes, quite independent of the application of the sewage. The salt is useful to a certain extent.

Cross-examined by Mr. *Nicholson.*

1578. You talk of distributing the soil of the sewage to distant lands, is there any power in the Bill to do so?—There is power in the Bill to take pipes for the purpose of distributing along the public roads.

1579. Those roads must be near or adjoining to the conduit?—Yes.

1580. The scheme, we understand, is to distribute sewage near or adjoining to the conduit?—Those are general words.

1581. I am taking the words of the Bill; do you think that within those words you could distribute the sewage at Purfleet?—Yes; the word "adjoining" would include the land in contact with the conduit; the word "near" would take that which the sewage would be applied to by pipes along the public road.

1582. Is Purfleet near the main conduit?—Yes.

1583. How far is it?—About five miles.

1584. You think it is quite competent to distribute sewage there?—Within those words I think it is.

1585. Your idea is that the scheme is to distribute a sewage thus far out?—Wherever it will flow.

1586. Can you tell us how far the discharge on the Maplin Sands will be from the embankment, the distance seaward?—I do not know whether I comprehend you.

1587. Your mode of discharge would find its way outside the embankment?—About the level of the bank.

1588. How far from the embankment itself?—Close to it.

1589. Do you know anything of the soil of the Dengy Flats?—Yes.

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1590. What is it?—Much more the character of mud or clay.

1591. It has the constituence of good soil?—Yes, more so than the Maplin Sands.

Re-examined by Mr. *V. Harcourt.*

1592. Am I right in saying that 100 tons of sewage on the acre would amount to an inch liquid on it, an inch in depth?—Yes.

1593. Putting 6,000 tons of sewage on this land to be reclaimed to the acre, it would amount to 60 inches of rainfall?—Yes, in depth.

1594. That would be about double the average rainfall of the year, would it not?—That is about three times the rainfall here, about double the rainfall in the centre of England, and about 50 per cent. more than the rainfall on the west coast of England.

1595. The pouring of this sewage on the land will do the work of a rainfall very much sooner?—The pouring of this sewage day by day would give you all the benefit without the inconvenience and the injury of the rain which falls on the richest pastural grounds in England which are on the western coast; there the rainfall is sometimes too much and sometimes too little; there it would become day by day as you want it a large rainfall, and better, because it would be charged with fertilizing matter.

1596. I was asking with reference to the question of salt, the washing out of the salt; would not the sewage, at the rate of 6,000 tons an acre, do the work of the rainfall of two years in washing out the salt?—It would do the work of a year and eight months on the whole coast of England, and of about the same period at Lough Foyle.

1597. Therefore, practically speaking, the falling of the sewage at that rate on the land would wash the salt out in a little more than a year compared with the three years which you have been speaking of at Lough Foyle?—I daresay it would, certainly in less time; you have the additional rainfall here, and therefore if you take it in that way, it is quite twice the rainfall of Lough Foyle, taking the sewage water and rainfall together.

1598. You were asked as to the appropriation of the sewage, whether it would be more beneficial to pour it on the reclaimed sand, coloured red, or on the white portion in the midst of the green there, to which you do not now propose to appropriate it; would it not be the fact that there would not be times of the year when you could pour it on the reclaimed sand, and when you could not pour it on the white portion which would be occupied by crops, and in other conditions of husbandry, which would not admit of its being so applied?—That is so.

1599. Therefore it is necessary to have some such places as these in reclaimed sands to appropriate the sewage to at those periods?—The virtue of this scheme beyond any other that could be proposed, consists in that distinctive feature that you have the opportunity of distributing it to those who will take it, just in the same way and as frequently as any other scheme traversing the same extent of ground, and you have the opportunity by the sands at the end of distributing it beneficially, generally at times when the farmers would not in the ordinary process of agriculture take it at all.

1600. Mr. *Paget.*] Have you formed any opinion as to the height to which it would pay to pump sewage for the purpose of irrigation?—I do not know; that would depend upon the extent of ground which could be commanded. Suppose you had to pump the sewage 50 feet, and you commanded all the land you could irrigate, it would pay very well; if you had to pump it the same height and only commanded a small tract of land it might pay badly. It depends very much on the extent of ground to which you can apply the sewage.

Mr. William Hope, sworn; Examined by Mr. *Lloyd.*

Mr. *W. Hope.*

1601. You, jointly with Mr. Napier, are one of the Promoters of this Bill?—I am.

1602. Are you the general manager of the International Financial Society?—I am.

1603. Are you a director of the Lands Improvement Company?—I am.

1604. And a director also of certain companies for the improvement and reclamation and irrigation of land in Spain and Majorca?—I am.

1605. Have you also been for a long period in Holland, and did you there study the embankment plans that were carried out there?—I did.

1606. And have you given your attention to this present scheme for a period of about four years?—About four years.

1607. I do not think it is necessary that we should take you through all the various features of the scheme in minute details, but I will ask you generally, have you satisfied yourself that the scheme before the Committee is a perfectly practicable one as an operation?—I have.

1608. Do you also believe that you will be able to obtain the necessary capital required for the construction of the works?—I have no doubt of it at all.

1609. Have you had considerable experience in obtaining large amounts of capital for various purposes, within the last few years, as manager of the International Financial Society?—I have.

1610. And from your experience you have no doubt that you can get the money?—I have none.

1611. With a fair return to the shareholders?—With a fair return to the shareholders.

Cross-examined by Mr. *Corrie.*

1612. Perhaps you can give us a little better information about the expense of this reclamation when we get on the sands. You were examined before on this estimate?—The referees reported that the estimate is sufficient.

1613. I am speaking of the reclamation part; how the sands are to be fertilised, turned into arable land, and so on?—We have no intention of turning the sands into arable land. That is an impossibility.

1614. Nor pasture land?—Nor pasture land.

1615. Land that grows something on?—To grow grass on.

1616. Have you given an opinion before on the subject of how much it would cost per acre to turn it into land to grow something on?—I may have done so, but I do not recollect at this moment.

1617. Can

1617. Can you now give the Committee any opinion on that subject?—I can state the estimates that have been submitted to us.

Mr. *Lloyd* said that this was exactly what the referees had inquired into. Mr. Hemans was called for the purpose of proving every single item of expense; he gave the figures and he was cross-examined about it.

1618. Mr. *Corrie.*] Mr. Hemans before the referees only estimated the expense of the conduit and the expense of making the walls?—No, there is an express sum sum of 55,000 *l.* included for that purpose.

Cross-examined by Mr. *Nicholson.*

1619. Now 55,000 *l.* we hear is paid for that; do you think it can be done well for that sum?—The referees have reported that it can be.

1620. You are satisfied that the scheme will pay interest?—Yes.

1621. Have you gone into the calculations?—Yes.

1622. Did you lay them before the Metropolitan Board of Works?—I laid certain statements before them; I said I was very unwilling to pledge myself to particular figures; it was undesirable to do so.

1623. Will you explain what you mean by a fair return?—That is matter of opinion.

1624. I want to know what your opinion is; you say that there would be a fair return?—Do you mean on the gross capital expended to be divided between the company and the Metropolitan Board, or the shareholders separately?

1625. I want to know from you what you think would be a fair return in this as a commercial speculation?—Who to?

1626. To those who receive the interest?—There are two parties who would receive the interest.

1627. The company?—The one half would go to the company and the other half would go to the Board.

1628. What will be a fair total return, supposing the Board do not go shares?—But they do go shares.

1629. What will be a fair return to the shareholders, and what will be a fair return to the Board?—Ten per cent. to each party will be fair at the commencement.

1630. And that you expect?—Yes.

1631. On calculations you made?—We count on that as a certain minimum return from past experience.

1632. You have had a good deal of experience with the Metropolitan Board; in April 1864, you addressed a letter to them?—Yes, on the 29th of April 1864.

1633. In your letter of the 29th of April 1864, you state your opinion as to the Maplin Sands; I will read to you the letter (*read letter*). Will you tell me what has made you alter your opinion as to the unadvisability of dealing with the Dengey Flats under this scheme?—There was evidence laid before Lord Robert Montagu's Committee, which proved that farmers were more willing than we fancied to take the sewage, and it was desirable to get that extended area of green land shown north of that. You ask me why we changed our minds; I say we have changed our minds for this among other reasons: we find that there is a greater disposition on the part of the farmers to take the sewage in moderate quantities than we expected, and we consider it desirable to extend the area to which we could apply it by gravitation without extra pumping, and we also find that it may be desirable to have the Dengey for several reasons, not only because the lower portions are almost as regular and flat as the Maplins but because the upper portions may be usefully applied to the production of root crops for the winter food of the cattle which we propose to keep on the Maplin Sands, and the solid manure from those cattle can be employed beneficially in the cultivation of the upper portion of the Dengey.

1634. My question is this, you condemned the Dengey Flats in April 1864?—I did not condemn them; we thought it was unnecessary to go there.

1635. You say you had given them up?—Yes; that is to say, I abandon them; I do not condemn them.

1636. You abandon them on account of the nature of the soil and the irregularity of the surface?—Yes.

1637. Has the surface become more level since then?—It may have done so; I cannot say.

1638. Will you tell me how the supply of sewage to the green land can possibly affect your intention to bring the flats within your present scheme?—We find from the evidence that was given before Lord Robert Montagu's Committee, that there is a greater disposition on the part of the farmers than we thought to take the sewage in small quantities at different seasons of the year, and that therefore it is desirable to extend the area to which we can supply it; that is one reason why we have gone back to the Dengey.

1639. Are you talking of farms on the Dengey Flats?—On that line, Branch No. 1.

1640. Because you think it is possible that the farmers may take the sewage in the Branch No. 1, you therefore now think, contrary to the opinion you expressed in 1864, that the Dengey Flats are eligible for your scheme?—That is one of the advantages we get from the evidence that was given before Lord Robert Montagu's Committee.

1641. Is there any Act now in force for the reclamation of the Dengey Flats?—Yes.

1642. When was it passed?—In the year 1852.

1643. Has anything been done under it?—A very small amount of work that reclaimed about 60 or 70 acres.

1644. How is it that the scheme has not progressed?—For want of funds, I believe.

1645. Do I understand that you corroborated the evidence that was given by Mr. Bateman, that the soil of Dengey Flats is eligible for agricultural purposes?—The upper portion is so, particularly the growing of mangold-wurzel and turnips. I may mention that part of the foreshore of the Dengey Flats is used for grazing every year in their present state.

1646. In the Bill as amended, as to the agreement between yourself and Mr. Napier on the one hand, and the Board of Works on the other, there is a clause in the Bill which provides that you shall be paid by the company to be formed such sum as you may agree upon, or in default to agree to such sum as Mr. Laing may appoint; I may put this question to you, are you agreed on

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on any sum you are to receive for this concession? —No.

1647. Have you formed any anticipations as to the sum which you are to receive for the concession?—

(Mr. *Lloyd* objected to the question.)

1648. Mr. *Nicholson.*] The sum which may be paid to Mr. Napier and Mr. Hope must come out of the pockets of the ratepayers of London; whatever is paid to them must go in diminution of the profits in this undertaking?—Not necessarily; you are mistaken in supposing it will necessarily affect the ratepayers; that is not the case at all.

1649. Will you explain how?—It scarcely requires explanation.

1650. Have there been any negotiations for the sale of this concession?—None whatever.

Re-examined by Mr. *Lloyd.*

1651. With respect to Branch No. 1 being part of the scheme this year, could you have undertaken to supply the land to the north of the Crouch unless you also re-introduced the reclamation of the Dengey Flats?—No; they would have required the Dengey Flats as an outlet for the surplus sewage in certain times of the year.

1652. So that undertaking to supply the land to the north of the Crouch you must introduce it?—Yes.

1653. There are two things which that body have not got, one is the London sewage, and the other sufficient money?—Yes.

1654. You expect to have both?—Yes.

1655. Mr. *Paget.*] What estimate has been made as to the application of this sewage?—Our proposal is to erect a series of cattle-sheds and cottages and other buildings, and to organise a system of dairy farms; not that we expect, in the first instance, to get the London dairymen to take the whole risk of the operation. We should offer the buildings at a very low rent, compared to that which they now pay for very inferior accommodation in London; we should give them the advantage of fresh air and well-drained buildings, and we shall contract to supply them with a certain quantity of grass, green cut, at a low price per ton. It now comes into London at about 23 *s.* a ton, we shall give it them at from 15 *s.* to 18 *s.*, and the advantages will be so obvious, that during the progress of the works, which will be about three or three and a half years, we shall have ample time to carry out the negotiations, and the result will, no doubt be, that instead of having to export the raw material of the green grass, we shall export only the manufactured article of milk and other dairy produce.

1656. What will be the extent and value of that at 15 *s.* a ton?—It depends very much on the quantity of sewage we receive from our own land, and the quantity sold on the road; taking it at 6,000 tons an acre we ought to get upwards of 150,000 *l.* a-year from those two flats.

1657. That is the gross value?—The net value.

1658. That is after deducting the cost of carriage?—After deducting the farming operations, not the cost of pumping and maintenance of works, and so on, for that we shall only require about one-third of the sewage, the other two-thirds will be available to dispose of to the farmers; we shall realise a high proportionate price for that, as from the advantage of dealing with the sewage in bad weather, and employing our own men, we can give it to the farmers when and where and how they like it.

1659. What would be the cost of carrying the grass?—We should erect the buildings on the red land and partly on the existing foreshore.

1660. What do you propose to do with the rest of the sewage that it is capable of carrying?—Sell it on the road.

1661. How much will you get?—We should get a greater proportionate price for that, because we can sell it to farmers at a time of the year that it will suit them.

1662. What have you estimated as the probable sum you will receive?—We can calculate with certainty on a penny a ton, or nearly so, and at certain seasons of the year and from certain classes of farmers we shall get a higher price. In some dry seasons they can afford to pay us 3 *d.* a ton possibly, at all events 2 *d.*

1663. You take it at the average of 1 *d.* a ton?—Yes.

1664. How much would that realise?—£. 400,000 a-year.

1665. From that you deduct all the expenses of preparing the land?—The interest on that; the expense of tapping the sewer is provided for in the estimates, the additional expense of conveyance would be borne by the landowners.

1666. You would have to lay down all the main piping to the edge of the farm?—Not necessarily. Two or three persons may find it desirable to combine together and obtain the money from the Lands Improvement Company.

1667. Your estimate is 1 *d.*, the landowner laying down all works at his own cost?—Yes.

1668. Mr. *Miller.*] That 400,000 *l.* is in addition to the 150,000 *l.*?—No; that is on the whole.

1669. Mr. *Paget.*] Four hundred thousand pounds will be the value of the surplus sewage?—About 250,000 *l.*, the value of the surplus sewage. call it 400,000 *l.* in round numbers.

1670. It would be 150,000 *l.* from farming the flats, and and 250,000 *l.* as a return for the sewage sold for the purpose of irrigation along the line?—Yes.

1671. Making 400,000 *l.* altogether?—Yes.

1672. Mr. *Miller.*] Is that the gross sum or the net profit?—The gross to the company.

1673. Mr. *Paget.*] You would have all the expense of pumping?—Yes; that is estimated at 13,000 *l.* a-year, that is rather an outside figure, the actual figure might be 11,000 *l.* or 12,000 *l.* a-year.

1674. Do you think that would be sufficient to pump up the whole of the two-thirds?—The entire body of the sewage; there are three pumping stations on the line.

1675. Mr. *Miller.*] What is the total expense, irrespective of the five per cent., which will have to be deducted from the 400,000 *l.* for annual expenses?—We calculate on about 35,000 *l.* a-year as the total expenses of every description, management, pumping, maintenance of works, office expenses and everything.

1676. What would be the rates and taxes?—It is difficult to say what they would be.

1677. I make the net sum to be produced in the year 365,000 *l.*, exclusive of rates and taxes?—Yes.

1678. What will they be; you will have to pay

pay poor rates, and so on?—They are very light; we should only pay on the reclaimed land.

1679. You would have to pay rates on the whole length of the conduit?—We should not propose to buy the whole of the land on the conduit, but only to take an easement.

1680. Still you would have to pay a rate?—Not if we took an easement.

1681. I want to know how would the inhabitants of the metropolis be interested in this? I take the total income to be 400,000 *l.*, the expenses 35,000 *l.*, leaving 365,000 *l.* Then your five per cent. on 2,500,000 *l.* would be 65,000 *l.*, leaving 300,000 *l.* to be divided between your company and the metropolis. In the outline am I correct?—No, not quite. If the proceeds are as large as that we should divide the whole. On that case we have not a preference five per cent. in addition to the half of the present. It is with a minimum of five per cent., so that the ratepayers will get the half of the 365,000 *l.*

1682. You would have to pay interest at five per cent. before there would be any divisible profit?—If the profit come to so much as 365,000 *l.* the whole would be divided, because we only take preference five per cent. in the event of the profit being more than sufficient to pay the five per cent.

1683. Then the company and the metropolis would, except as to certain rates and taxes, divide 365,000 *l.* between them?—They would.

1684. That is the correct statement?—Yes.

1685. Mr. *Turner.*] If your profits are 10 per cent., then you take less than five?—The arrangement is this: the wish of both parties was for an equal division; if the profits were very small for six months it would be undesirable that the shareholders should be kept out of the reasonable interest of five per cent.; it would have a bad effect on the shares and depreciate the property without a sufficient cause; therefore the arrangement we made with the Metropolitan Board in the agreement scheduled to the Bill gives us the first five per cent. on the whole, or rather on the share capital; after deducting the money which they borrowed, supposing any is borrowed, the next 10 per cent. is equally divided between the ratepayers and the shareholders; the second 10 per cent., making 25 per cent., is divided in the proportion of one-fourth to the company and three-fourths to the Board, by which means they are enabled to recoup them for their lost ground, so that when the profits reach 25 per cent. on the whole, it is half and half.

1686. Your original proposition was to carry the sewage by the culvert to the sands, and distribute the whole of it there?—Yes.

1687. The second proposition was an amended one to distribute it along the course of the culvert as far as you could, and to discharge the residue?—We proposed at first to reclaim 20,000 acres instead of 12,000 acres.

1688. In consequence of your suggesting that it should be largely distributed on the land, and throughout the course of the culverts?—Yes.

1689. I understood you to say there is a greater disposition on the part of the farmers to take the sewage along the line, than you thought would be the case at first?—Yes.

1690. Why did you not apply for power to distribute it further?—We thought that would be sufficient; there is no farm without a high road to it, and if we applied the compulsory powers so as to go over every man's land, we should have created a great amount of opposition, and we imagined that Parliament might think without some corresponding advantage to the landowners, in the way of compulsory right of purchase of the sewage, they would not be justified in giving us the compulsory right of easement through their land; but there was such a power in the first instance by a Bill deposited in 1861.

1691. Did that lead to a great opposition, that power being in the Bill?—The Bill was not brought so far; we did not get the concession of the sewage from the Metropolitan Board, and we could not apply for power to utilise it.

1692. Do you think that the distribution of the sewage would be economised if you had the power of taking it over the lands of intermediate landowners?—I do not think so; I do not think we can supply anything like the amount of land shown green on the map; even our great antagonist, Baron Liebig, recommends, as the final result of his deliberations, the application of sewage to permanent meadow-land; he says that every farmer might have a plot of 10 acres, which he could lay down in permanent meadow-land, and irrigate with the sewage; and clearly, if that is carried out, you cannot irrigate the entire quantity shown there, because you would not have sewage enough, and because you would be irrigating the whole farm instead of half. The great advantage of a farmer is, especially in Essex, which is so dry, that he can keep a larger amount of stock than he can now, and instead of purchasing his manure in London, as he does now, he can make his own manure *in situ*, and therefore he can afford to pay no more almost than the real value of the sewage, on account of the peculiar circumstances in which he is placed.

1693. Mr. *Paget.*] Therefore, you think you will exhaust all the sewage at your disposal, without your having any power to go through the intermediate land?—I think so; the experiments of the Royal Society show that 3,000 tons is about the most profitable quantity to apply per acre, and if you divide the two-thirds of one hundred millions or sixty millions, by three thousand, it will cover nothing like the amount of land shown green on the map.

1694. That would be 33,000 acres?—Yes, instead of 105,000; if certain market gardeners are willing to pay a high price for the option of taking the sewage when they please, we shall be ready to allow them to do so, but we do not anticipate that there will be that large demand for such an exceptional mode of application.

1695. You considered it one of the merits of your scheme, that this irrigation would be in the outfall at a considerable distance from the metropolis?—Yes.

1696. And not likely to produce inconvenience to the inhabitants?—Yes.

1697. Do you know where the River Rodin is, is it on that map?—No.

1698. Look at that map, it is just at the outfall of the sewage, near Barking, do you see that?—Yes.

1699. Have you considered at all the possible inconvenience from irrigating that large tract of low-lying land between the River Rodin and the River Lee, to the east of London, which is on the east side of the River Lee?—We are bound in our agreement with the Metropolitan Board only

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to supply to the farmers such quantities of sewage as will utilise without nuisance.

1700. Do you see any objection, for the more certain protection of the inhabitants of the east end of London, to a clause prohibiting your irrigating west of the River Rodin?—It would not materially affect our scheme if the Committee desire it.

1701. It would not affect it so as to be of any consequence to the promoters?—No.

1702. Mr. *Miller.*] The Secretary of State would have the power of stopping it?—Under the 36th clause of the Act of 1858.

1703. Mr. *Paget.*] And let somebody have the power of filing a Bill against you?—Yes, that is the extent of it, I believe; but some of the sewage meadows near Edinburgh are much nearer the town than it would be in this part of the country.

1704. Dr. *Brady.*] You are in favour of the smaller amount of 3,000 tons?—I think 3,000 appears to be the most profitable amount.

1705. If Mr. Waine, who is one of the Commissioners, stated that he found that by the application of 6,000 tons there was a larger increase than by the application of 3,000 tons, would he be right?—I should have thought he would have been wrong.

1706. If he said 9,000, what should you say?—If he said so, he contradicted his own report. I read the report this morning. If you look at Table 4, you will find what he says; quite in the beginning of the report you will see it.

1707. Speaking of the last report?—Yes.

1708. Do you expect to make much of these Craigentelly Meadows?—We not only expect to receive the same grass returns, but we expect to receive a large return in proportion to the amount of sewage supplied; and, moreover, it will produce the greater grass return after every large dressing of sewage. It will not produce the greater proportionate return according to the number of tons supplied.

1709. We have evidence before us that the Craigentelly Meadows would keep at the rate of six milking cows to the acre?—Yes.

1710. I gather that you intend to realise a profit by keeping milking cows?—Yes.

1711. Supposing you keep six to the acre, it would amount to 70,000 milking cows, and that would be as many as would supply the metropolis?—I believe it is a great deal more.

1712. Suppose it is not all disposed of in that way, in what other way do you propose to dispose of it?—By feeding cattle.

1713. Have you seen any experiments which induce you to suppose that you will be able to feed cattle profitably?—We are assured with a mixture such as oil cake, that a certain proportion of sewage grass may be employed in fattening cattle. By itself it does not; it is rather too scouring.

1714. Have you seen any experiments tried?—Certain experiments have been made, but I have not had time to examine what they are. That is the experience of Edinburgh, they do not use it all for milking cows, they use part of it for fattening cattle.

1715. One of the witnesses said it would fatten cattle?—But he did not say that cows had that and no other feed.

1716. He said there were occasions when they had some other feed?—They were fed with grains and oil cake.

1717. Grain is not very staying?—But oil cake is.

1718. Mr. *Miller.*] Have you made inquiry as to its availability for making butter and cheese?—That I do not know anything about.

1719. As far as you have evidence, the production of milk is the most profitable?—I should fancy so, being so near London; but there is, no doubt, also a very large market for butter and cheese.

1720. Do you know whether it is available for making hay?—I believe that the grass grown at Craigentelly is not used for hay. There they grow nothing but natural grass, cutch grass, that is of a very inferior quality. I believe they propose to grow chiefly Italian rye grass, and that may be turned into hay by artificial means.

1721. If you are determined on letting the ground, how much do you calculate on getting per acre?—I think we ought to get 25 *l.* an acre.

1722. And you calculate on getting 12,000 acres?—Yes.

1723. Even if your scheme of producing milk be abandoned, you calculate you may get 300,000 *l.* a year from letting the ground?—Yes, I think so eventually, not at first, but in the course of time.

1724. When the ground has become thoroughly saturated?—Not so much on account of that. I think the crops the first year will be very nearly as good as the second or the fifth year, but rather when the existing channels of trade have been diverted. In the first instance, of course, we have vested interests to fight against, and we have various prejudices to get over.

1725. What my question particularly tends to is this, whether you depend on the cows feeding on these meadows for any portion of the good that is to be derived from them?—We believe that that will be one of the most useful ways of disposing of the produce, but we are not wholly dependant upon that.

1726. Will the cows add materially to the manure?—The cow-feeders would be able probably to give us more for the grass than others, because they would also get the benefit of the large quantity of manure produced; but we should not get it, except indirectly. I want to point out to the Committee the great difference there is between a water supply to a town, touched upon by one of the Honourable Members, and the supply of sewage. In the case of the water supply to a town, it is the demand which regulates the supply; in this case the position is entirely reversed. It is the supply which must regulate the demand, and that materially, of course, alters the value. In the one case the supply is as much as people are willing to pay for, and in the other case you force them to take it.

1727. Do you only intend to apply 3,000 tons to the sands?—I said 6,000 to the sands.

1728. I thought you said you put one-third upon the sands, and one-third would be 2,777?—We calculated on having to apply about 5,000 or 6,000 tons on the sands, because we must take the sewage in the winter, when the farmers will probably refuse to take it.

1729. *Chairman.*] What is the quantity of sewage?—The dry weather sewage is 100,000,000 of tons, but we calculate on getting a small increase from Branch No. 3, from the reservoir at Barking, all owing to a moderate rainfall. The outfall sewer takes one quarter inch of rain, and we

we should probably get a part of that, and when the rainfalls are moderate, the washings of the streets are valuable; it is only when it is excessive that the sewage becomes less valuable. We calculate on an addition to our dry weather sewage of perhaps 15 per cent. from that source.

1730. Mr. *Miller.*] I presume on the Maplin Sands the largest quantity will be put on in the winter, when the farmers do not wish to take it?—Yes.

1731. And that would scarcely be so profitable as at Edinburgh, where it is taken all the year round?—Scarcely; at the same time the sewage put upon the land in winter is by no means lost; it lies on the plant as a sort of latent manure, the benefit of which is seen when the warm weather comes, and the first cut of grass, which is the most valuable, is obtained somewhat earlier than it would be without.

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Mr. *Horace Lloyd* stated that was the case on behalf of the Promoters of the Bill.

The *Chairman* inquired what course Mr. Corrie proposed to take.

Mr. *Corrie* stated he did not propose to call any evidence, but only to address the Committee.

Mr. *Nicholson* also stated he did not propose to call any evidence, but would address the Committee after Mr. Corrie.

The *Chairman* intimated it was the wish of the Committee that Mr. Corrie should confine himself to his Petition.

Mr. *Corrie* was then heard to address the Committee, as also Mr. Nicholson.

Mr. *Ellis* then applied to be heard in support of his Petition, and proceeded to state the course he meant to take was to address the Committee and call one or two witnesses.

The *Chairman* enquired if Mr. Lloyd objected to Mr. Ellis being heard, and giving his evidence the first thing to-morrow morning.

Mr. *Horace Lloyd* replied the Promoters thought it their duty not to object.

[Adjourned to To-morrow, at Twelve o'clock.

Martis, 28° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Paget.	Mr Knight.
Mr. Miller.	Mr. Sclater-Booth.
Mr. Ayrton.	Mr. Clay.
Dr. Brady.	

THE JUDGE ADVOCATE IN THE CHAIR.

Mr. *Thomas Ellis* desired that he might be sworn, in order that his statement in opposition to this scheme might be given in the form of evidence.

The Committee consented, and gave permission to Mr. *Lloyd* to cross-examine Mr. Ellis, after he had finished his statement.

Mr. THOMAS ELLIS, sworn.

Mr. *T. Ellis.*

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Witness.] BEFORE offering any explanation of my scheme, or attempting to contrast it with that of Messrs. Hope and Napier, I would wish to draw the attention of the Committee to the exact wording of the instructions which they have received from the House, to inquire into the most useful and profitable manner of disposing of the sewage of the metropolis. My reason for doing that is to justify me in asking you to allow me to touch on two or three points which will enable the Committee to form a correct comparison between Mr. Napier's plan and mine, and which would be impossible were I to confine myself to a naked description of my plan without any of those comments; and with a view of making my observations as brief as possible, and taking up as little of the time of the Committee as possible, I have reduced what I have to say to writing, and, if you will allow me, I will read my statement. My plan comprises both sides of the Thames, but I shall confine my present observations entirely to the north side.

The sewage, as the Committee are aware, will, on the completion of the new main sewers, be conveyed to an outfall reservoir at Barking. Here I propose to erect the pumping station; from this point the sewage will be forced by Cornish steam engines through iron mains up to a reservoir, placed on a hill of sufficient elevation to enable me to command by gravitation the area dealt with. That map will show it.

1732. Mr. *Miller.*] What is the name of the hill?—That part shaded brown is the watershed of that whole country; there is no particular name for that particular hill; that blue line is my main; that brown line is the watershed of the country, and you will see it by looking at the rivers, which all run away from it; that is the Ordnance map. I will prove the elevation there by giving you the Ordnance bench marks presently. I can have on that line an elevation of almost any altitude under 400 feet; that enables me to command the whole of that country. From the summit reservoir the sewage will descend by gravitation through iron mains laid along the roads of the area to be dealt with. With reference to this summit reservoir, I shall presently direct the attention of the Committee to the points at which I think it may be most advantageously placed. In conducting water to the houses of a town, it is necessary to lay the mains along the streets; so in any rational plan for taking sewage to the farms on any area, it is self-evident we must adopt the roads, as by no other means can we place ourselves in contact with every farm upon the area, and enable the farmers to take the sewage from us, if they think proper. In the system, then, which I propose for the distribution of the sewage over the area, it will be seen there is not our new point; nothing to startle any one. It is a mere copy on a large scale of what we see done every day with ease and success by the improved waterworks companies; so much, then, for the distribution. The next point to which I wish to direct attention is the extent of area over which the sewage must be distributed, so as to enable us to sell it to advantage; and to determine this we must first form some idea of the amount and value of the fertilising matters in the sewage. At page 51 of the Report on the Main Drainage of the Metropolis, published in 1857, will be found certain calculations as to the value of excreta, based on the analyses of Way, Wesang, and Liebig, which enabled the Messrs. Hoffmann and Witt to arrive at 10*s.* 10*d.* per annum as the value of the excreta of each person in a mixed population. This estimate cannot well be considered excessive, as it is a well known fact that in Belgium, when excreta is carefully preserved, it is sold at the rate of about 1 *l.* per person per annum. Now, the population of the north side of the Thames, drained by the new main sewers, exceeds 2,000,000, and taking the value of the excreta at only 10*s.* per person per annum, and the population at 2,000,000, we find ourselves in presence of the fact that the excreta of these people is worth 1,000,000 *l.* per annum. Of course we have to convey it to the land.

1733. Dr. *Brady.*] Does that include the excess of manure from slaughter-houses?—No; merely the excreta.

1734. How do you come at the 10*s.*; my friend wishes

wishes to know?—I have got the report from which I quote here, and you can have the calculations.

1735. Perhaps you had better resume your statement?—But do we not know that into the sewers of a city like London there enters innumerable matters of a fertilizing nature, in addition to the excretion; and when we are calculating the value of the sewage, can we overlook those various matters? Putting them, however, for the present on one side, and basing our calculations exclusively on the excreta, we find that the sewage must be worth at least 1,000,000*l.* per annum. Now, I must direct your attention to another point of inquiry. Granted that there is in the sewage a certain amount of fertilising matter; is the fertilizing property of that matter injured by the dilution. Plants, as we know, cannot take up any nourishment into their systems unless it is presented to them in the liquid state: consequently the liquifaction of the matter in the sewage is not an injury, but rather, so far as the plant is concerned, a benefit, provided it is not so great as to prevent the earth from extracting from it the manure it contains. But the experiments of Way have shown that the earth has the power to extract from liquids, even from rains, the manurial matters they may contain; and Baron Liebig, in his first report on the utilisation of the London sewage, stated as follows: "A series of experiments with artificial sewer water proved that a dilution with water as great as that of the sewage of the metropolis, in no way diminishes the absorbing effect of the soil." That evidence, I trust, will satisfy the Committee in two points. The first, that the sewage of the north side of the metropolis must contain from the excreta of the inhabitants, and other sources, fertilizing matter, worth at least 1,000,000*l.* per annum, from which, of course, it is to be deducted all charges for delivering it to the farmers. And the second point is, that the fertilizing properties of that matter are not injured by the dilution. Having arrived at something like a definite idea of the real value of the vast amount of fertilizing matter in the sewage, the next point to direct attention to is, the extent of area over which a company should lay down its works of distribution, so as to enable them to dispose of the sewage in the most profitable manner. And this is a point which comes strictly within your reference. If we were only to consider the area necessary to absorb a given quantity of sewage per annum, or to get rid of it merely, that is a matter which would be easily decided. But when we talk of utilising it to the best advantage it is quite another affair. On any area there must be more or less farm-yard manure; and it is evident that the farmers will only purchase sewage in such quantities as may be necessary to supplement their present supplies, just as they now purchase artificial manure. If, then, we wish to obtain the real value of the sewage, it is evident we must lay our works over such an extent of area as will bring down the average amount of sewage we can supply for each acre to something like what the farmers at present want. If we supply on the area a greater average amount than the farmers require for general farming purposes, it is evident that if we sell the manure at all we must sell it at less than the true value. But if, on the contrary, we can afford to lay our works over such an extent of area as shall bring down the average supply for each acre on the area to less than the demand is likely to be, then, by the competition we have thus secured, we ensure its being sold at its real value, if not, indeed, for something more. But, in addition to this, we secure another object in adopting the large area, which is, that the manure being all used up, day by day, as it is generated, we avoid all danger of nuisance from an unused balance of the day's supply of sewage. For the moment, and for the sake of argument, I am regarding the question without any reference to the cost of the works of distribution; and simply from two points of view:—1st. Whether a very wide distribution of the sewage by ensuring the maximum competition of it will not enable a company to sell it to the best advantage. 2d. Whether such a distribution would not be more likely to secure the absorption of the daily flow of the sewage and thus prevent nuisance. I think even my opponents will admit that a very wide distribution would be likely to accomplish both these objects. If, then, this is admitted, it follows of necessity that if there be two plans for the disposal of the sewage of the north side, and that one will carry the sewage over twice the extent of the country that the other can, and that both will cost about the same sum. Then that the plan which can give the wider distribution must be in the words of the instruction to this Committee, "the best and most profitable." On these grounds, then, I challenge comparison between the plan of the Messrs. Hope and Napier and mine. But there is another; and imperial point of view, from which this question should be regarded when considering these two plans; it is this: By which plan will the greater increase of the home supplies of food be secured? Mr. Hemans, when giving evidence before this Committee, informed them that on the area commanded by the culvert, large or small dressings of sewage could be adopted. That is quite true; no doubt individuals on that area can adopt whatever plan they please. But what about the area itself? Can it adopt the system of economic sewage utilisation? If so, what is to be done with the surplus sewage which would then not be wanted in the land? Is it to be let flow into the sea? if it is not wanted in the land it must go into the sea. Would it not be better to have such an area as will really admit of the entire supply of sewage being utilised on the economic system, and upon which individuals, if they prefer it, may use the sewage in large quantities? On the area of Messrs. Hope and Napier, there is not land enough to enable them to adopt this plan, nor could they so dispose of it unless they supplement their area by the ocean. But on any area which is twice the extent of theirs, and where the sewage will always be at the command of the farmers, being always, night and day, under pressure in the mains, it is evident that they can apply it in what quantities they please. And that there is, at least, more room for the economic application of the sewage than on that of the Messrs. Hope and Napier. But with reference to the total quantity of food which is likely to be obtained from a given quantity of sewage, when applied to an area of a certain extent, or to one twice the size, on this point I would wish to direct the attention of the Committee to the evidence of Mr. Way before Dr. Brady's Committee in 1862. They were at this portion of the inquiry, examining the cost of laying pipes, and at Question 768 the Chairman asked Mr. Way as follows: "Taking

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"Taking for granted," that is, the cost of laying the pipes, "taking that fact into consideration, together with the results obtained by the Chairman of your Royal Commission from his experiments with sewage, by which he proves a clear gain of over 2*l.* per acre on his wheat, and a great increase in his green crops, are you still of opinion that it would not pay commercially to lay down pipes to enable you to treat these crops with sewage?" His answer is, "I think that my evidence on that subject must be taken, as of course you would take it, with all the deductions necessary for the fact that I am not an engineer; but, at the same time, we have been so long associated with engineers, and have been now for so many years engaged in seeing these things in operation, and discussing them, and so on, that one comes to have a compound opinion, which is in one case that of a chemist, and in the other case the result of a fair smattering of the other questions economically engineering, and so on, so that one may be able to form a very fair opinion. These opinions are unusually formed, I believe, by degrees in a man's mind, and it may not be possible at any moment to give all the reasons upon which he has formed them. But I have certainly seen nothing to change my view in all the examinations that we have made, and upon all the papers that I have read upon these subjects, namely, that it is more economical to apply sewage in large quantities, and to the crops which are more suited to it. I lay that down, and from that point you may diverge. You may come by degrees to ascertain at what point it will pay least, and what quantities of sewage will pay best. It is so far settled in my mind, that consistently with economical considerations, the sewage should be applied in large quantities. At the same time, I would like it fairly to be understood that in the abstract, apart from expense, I believe that you would get more return in the shape of crops, by putting the sewage over a very large acreage of land. That is not inconsistent with the other view which I take of the subject. Say that we have 1,000,000 tons of sewage to be put on; if we put that sewage on land in such a way that no part of it shall run off it or through it, we know that no part of the materials which that sewage contains will be lost; and as anything fixed in the soil will sooner or later benefit vegetation, we know that in that form of distribution we shall get a larger total produce from a given quantity of sewage than we should by putting it on in large quantities over very small areas. That seems to me incontestable as a matter of theory. At the same time, I still hold the view that economical considerations, both in the original expense, and considerations of convenience in the use of the sewage in small quantities, are against its use in that form. What I mean to say is, that it is better to part with a given proportion of the produce which we could obtain from the use of a given quantity of sewage than to force it by distribution over large areas to produce all that it will, but to produce it at too great an expense to be profitable; there must be a point, of course, at which these two things must meet. Perhaps it may be more desirable that 50 tons of sewage should be put on to an acre, half an acre, a quarter of an acre, or even two or five acres. The extreme at either end may be equally wrong, but I think that the extreme at the small end would be infinitely worse than putting on the sewage in large quantity on a small area."

The Committee will perceive that Mr. Way bases his objection to the wide distribution solely on "economic grounds." He admits that such a distribution will produce most food. It is unnecessary that I should refer to his objections on the score of "convenience," because those objections will apply as much to a small area as to a large one. Well, then, if I show the Committee, as I presently shall, that he is mistaken as to the cost of distribution, and that I can lay down works over twice as great an extent of land as this plan of the Messrs. Hope and Napier, which he so highly approves of, and that the works will actually cost less, then I think I may claim him as my supporter.

The result of the experiments at Rugby have shown that they do not increase the return in crops in direct proportion to the quantity of sewage applied, but quite the reverse. With reference to those experiments, Mr. Way has given some evidence before this Committee, and with your permission I should like to read his answer to one question.

In answer to Question 692, Mr. Way states, "I think I may answer your question in this way, the experiments at Rugby denote, that you do not get any increase of product in direct relation to the quantity of sewage put on, but in a progressive decrease, that is to say, if you put on 3,000 you get, say 22 tons of grass; if you put on 6,000 tons, you do not get twice 22 tons of grass, or anything like it, but 28; and if you put on 9,000 tons, you get 32 of grass." It is 32,000 here; that is a mistake, "consequently beyond a certain quantity, what is put on produces a less result than if that is put on in smaller quantities, but then you have the opportunity of so putting it on."

1736. Mr. *Paget.*] The quantities you mention are the total amount, not the amount of increase; you take 26 tons as the result of 3,000 tons of sewage?—That is what Mr. Way states as to Rugby.

1737. That is the whole product obtained from the land?—Yes.

1738. Therefore it is not 26,000 of increase? No, there is no original point for starting the calculation; we do not know what was the original produce.

1739. I think they give it you here?—I have not seen the report. I do not know what it is in the natural state. He commences there with 3,000 tons. But what evidence is there that this 3,000 tons per acre is the point up to which the crop increases in bulk and value by the application of sewage? Not one tittle of evidence? However, that is beside the question. I shall now direct your attention to the evidence of Mr. Lawes, given before Lord Robert Montagu's Committee the last Session, as to the price he could afford to pay per ton for sewage when he used it in varying quantities, and this has a direct bearing on the two plans before you, as well as on the quantity of sewage per acre which Mr. Hope stated he proposes applying on the reclaimed sands. At Question 4678, Mr. Lawes was asked, "Supposing that you had the sewage delivered at your farm for nothing, how many tons would you use upon an acre, supposing the ground to be of the same nature as at Rugby; or, how many tons would you use, supposing the ground

ground to be a sandy soil; and how many tons would you use, supposing you had to pay for it?—If I could have it for nothing, and put it on the ground, I would use 50,000, 60,000, or 70,000 tons per acre, or anything that you could give me." That is Mr. Lawes' evidence, and the result of his scientific inquiries at Rugby.

1740. *Chairman.*] How many tons is an inch in depth?—100 tons to an acre is the depth of an inch, and Mr. Lawes, the great chemist, will put on any amount; he will put on 50,000 tons or 60,000 tons, or 70,000 tons per acre, or anything that you will give him for nothing; that is the great advocate of large dressings on a small area, Mr. Hope's principal witness before this Committee, about whose evidence I shall have something more to say. At the next question, Mr. Lawes was asked, "Would you do that on the Rugby land, which is clay land," and which he states, is not good for absorptive purposes, and his answer is "Yes."

1741. Dr. *Brady.*] On clay land?—On clay land. At the next question, "What quantity would you use on sandy land?—I would use the same quantity;" it is evident to common sense that you can get rid of more sewage on a sandy soil than on a stiff clay. That will show the value of Mr. Lawes' evidence as a man of science.

1742. *Chairman.*] You are quoting this to disprove Mr. Lawes?—I am giving it for what it is worth.

1743. You rely on it?—Yes, to show that if you use large quantities you cannot pay for it, and I will show you presently the reason why.

1744. Dr. *Brady.*] The principal thing you rely on is this, that this Committee has heard Mr. Lawes in defence of this scheme?—No; my object here is simply to quote this for what it is worth.

1745. *Chairman.*] Do you represent it as being worthless, or as valuable?—I myself do not attach a great deal of value to Mr. Lawes' evidence, or to his experiments, and I have put that already on record, but I produce this evidence of a gentleman who is a great advocate of large dressings, and I am about to show that, by his estimate, you cannot pay for sewage, as you gradually decrease the quantity you can raise the price you pay for it.

1746. Mr. *Ayrton.*] You must read it for one purpose or the other?—It is to establish the fact that the less sewage you apply per acre, the more you can pay for it per ton.

1747. That is the reverse of what Mr. Lawes states?—No; if you will allow me to read it, you will see that I have not come to that part yet. Then "If you had to pay for it, what quantity would you use?" He had previously said he would put any quantity on if he could get it for nothing. "That depends on what I had to pay for it; the more I had to pay for it, the less I should use. *Q.* Supposing that you had a farthing a ton to pay for it, how much should you use?—*A.* I think that then I should begin to use 4,000, or 5,000, or 6,000 tons an acre. If you had to pay a halfpenny a ton for it, how much should you use?—Then I must begin to reduce the quantity. It is a question in my own mind whether I would give a half-penny a ton for it, and use 6,000 tons; but I cannot come to any exact nicety of opinion upon it." The next question is, "Will you give an approximation?" The answer is, "Of course the first thing would be, that I should want a guarantee from the persons who sold me the sewage, that they should deliver me a certain number of grains of fertilizing matter per gallon." The next question is, "Supposing that was all satisfactorily arranged, and that you paid a farthing a ton for the sewage with all the proper ingredients in it, what quantity would you use per acre?—I think that then I should begin to use 5,000 or 6,000 tons. How many tons would you take at a halfpenny per ton?—I should like to begin at 4,000 tons. At a penny halfpenny a ton, what amount would you use?—It depends upon whether it is to be delivered to me upon my land; and when I see that it is to be delivered, the question is whether I am to lay pipes down and to use the hose; when you come to nice questions of cost, I must calculate all those things." The next question is, "If you got 6,000 tons of sewage for nothing, would you expect to have those put down for nothing?—That quantity I should use by irrigation; but when you come to small quantities you must use a hose, and that is very costly, and therefore it comes to a question of nicety in such small quantities. Then you would not use much at $1\frac{1}{2}d.$ a ton?—No, not to take it all the year round. At $2d.$ per ton how much would you use?—None at all. But you would give $2d.$ a ton for it if you could take it on certain days in the year, would you not?—Yes." Then I say the reason why Mr. Lawes could not afford to pay as high a price per ton for a large quantity of sewage as a small quantity, is explained by the result of the experiments at Rugby, and shows most clearly the necessity for a careful application of sewage if we are to recover its value from the farmers, or the best return in food. There is another point upon which I challenge comparison between the two plans, and that is the character of the soil commanded by both. I assert that the better the soil the better will be the return in crop with sewage, just as in the case with any other manure. Of course, if we want to get rid of the sewage as a nuisance, that is quite another thing. Then sand is the best place to put it; we are not now, however, considering the question with a view to getting rid of a nuisance, but with a view to utilising a valuable manure, and in this point I will read one or two extracts from the evidence. Mr. Benson, the agent of the Duke of Bedford at Tavistock, when under examination before Dr. Brady's Committee with reference to the results obtained with sewage on the duke's meadows at Tavistock, at Question 3854, was asked as follows:—"Are these meadows drained?—The wet portion of them have been drained. What is the soil?—It varies exceedingly; some of it is very good loamy soil, some of it is very poor clay, and some of it is very poor soil. Do you find a difference in the crops when you put in the sewage?—The best land always gives the best crop."

Again, on this point, Mr. James Hope, before the same Committee, with reference to the land in his own occupation at Edinburgh, was asked at Question 3286—*Q.* "Does your grass grow earliest upon the sandy land?—*A.* I think that the loam, the fine medium soil, perhaps brings in the earliest grass. Have you noticed which quality comes earliest to the scythe?—The medium soil. Is that medium soil a soil of good quality agriculturally?—It is good loamy

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land. What would that be worth to let for agricultural purposes?—It would be worth 5 *l.* an acre, at any rate. Have you noticed a difference in the produce on different parts of the meadows in the same year, some parts of the meadows being much more productive than others?—The good land, of course, is always most productive." Now, sir, in the face of that evidence, it will be admitted in the words of your reference, that that plan is best and most profitable which can take the sewage within reach of the greatest extent of good land. On this ground also I challenge comparison between the two plans. But to command an extensive area, such as I suppose, it is evident that the sewage must first be lifted into a reservoir on a hill of sufficient elevation. Of course the higher we have to pump the sewage the more expensive will be the operation, but that increased expense is compensated by the higher price we can put upon the sewage on the larger area we can command. There is, of course, a limit to this, when profit ceases and loss begins. Mr. Bateman gave, I think, some evidence on this point which rather supports my view of the case. Well, then, about this hill on the north side to which I am to pump, I confess I approach this portion of the question with some timidity, for in more senses than one it is a tender point. It was the point on which I was refused concession; at least, it was the reason given at the time as well as since, both in and out of Parliament, in vestries, and in short in every locality where a member of the Metropolitan Board of Works could make his voice heard. They almost all with one voice assert, nay, almost swear, that I intend to pump all the sewage back to Hampstead, Highgate, and Shooter's Hill. And the only thing that has surprised me, and I confess it has, is, that they did not insist it was my intention to construct a reservoir on the top of Buckingham Palace.

1748. *Chairman.*] We have nothing to do with that; we do not know what the Board of Works may have said?—Oh, yes, it was said here; it was said by Mr. Thwaites.

Mr. *Ayrton.*] Your original tender will speak for itself.

1749. *Chairman.*] If you say you intend to pump the sewage up to this hill, we will be satisfied with your statement?—I introduce it to show that if this concession has been got on wrong pretences, that is a reason why the Committee should give time for further discussion, at least, and for consideration.

1750. Then you had better go on with your statement. If you can confine yourself to your own case we should like it better?—I think I show that it has a bearing on it.

Dr. *Brady.*] I think it is fair that he should put his statement before the world.

Witness.] I cannot, however, but admit that years ago there might have been some excuse for the Board, as in 1861, and with my particular object of showing that in the event of being forced to lift the sewage to the highest point, I was aware that a great profit could be realised from the sale of sewage. I did name Hampstead and Shooter's Hill, but having found that I was misunderstood, I wrote to the Board in February 1862. A copy of that letter will be found at page 416, of Report Sewage Metropolis, and with your permission I shall read a portion of it. I will not occupy but a very few moments. This has been before the Board since 1862, and yet Mr. Thwaites tells the Committee that it is my intention now to pump to Hampstead. This letter is addressed to the Chairman of the Metropolitan Board of Works:—" And here I would wish to call your marked attention to an objection to my plan which I understand is now made, to the effect that I would cause a nuisance at Hampstead; but, fortunately for me and the heavily-taxed ratepayers, this objection, like all the rest, is very easily disposed of, for nature, as if for the very purpose of helping us out of the difficulty, has placed on either side of the Thames several hills, not alone isolated hills, such as Hampstead and Shooter's Hill, but also extensive tracks of high ground, such as we find at Epping and Hainault Forests, on the north side, from any one of which we can command areas of much greater extent than would enable us to utilise safely and profitably by gravitation all the sewage which the Metropolitan Board of Works could ever deliver to us. And to do away at once and for ever with all such trivial objections to the details of my plan, I am prepared to accept a conditional concession of the sewage, subject to my satisfying the Metropolitan Board of Works, that the high grounds which shall be selected upon which to erect, or either side of the Thames, my regulating reservoir shall be so situated as to give no cause of complaint to the public.

1751. *Chairman.*] What area would you command from the reservoir that you take without the aid of any pressure?—There will be the pressure from the summit reservoir.

Chairman.] Simply by gravitation.

1752. Mr. *Ayrton.*] Your blue mains begin to rise about a mile and a half from the outfall of the Barking creek; the ground begins to rise north, and it continues rising all the way up to the summit?—It rises gradually, unequally.

1753. *Chairman.*] When you have got it up to the reservoir, what do you command from the reservoir by gravitation?—Over 600 square miles; that is a fact. I can put it much higher than that.

Chairman.] You complain of being charged with sending it up to Hampstead. I want the one which is marked on your map there.

Dr. *Brady.*] But he is not confined to that one place.

1754. Mr. *Ayrton.*] What is the elevation; you said 150 feet?—Yes; it probably will not command every hill in that district, but it is not necessary that it should; we can leave isolated hills alone, and pass by them; but, in fact, it can command a much greater extent of area.

1755. Mr. *Paget.*] You mean without passing over any other hill higher than yours, that you can command that area which you state?—Yes, certainly. I am myself prepared to go to the expense of surveys if there is any justification for it.

1756. *Chairman.*] I do not want to exclude merely hills that are higher than that, but lower than

than the point of your reservoir, but to which you cannot get without the sewage first running down and then up; I want to get at the area you could have commanded from the reservoir by running simply by gravitation down, and then not rising up again at all?—That I could not state without making an accurate survey; that is not necessary for my purpose, because I use pipes.

1757. You have not got that?—No; it is a thing that can be obtained if there is any object in it.

1758. You cannot give me any accurate idea of that?—No.

1759. Dr. *Brady.*] What the Chairman wishes to know is, have you land sufficient that you can command without those bills for the application of the sewage?—Yes; there is a great deal more land than can be commanded from a variety of points on that water-shed than would be sufficient to use up in the most economical manner all the sewage on the north side.

1760. *Chairman.*] Without going in pipes that must involve pressure?—I use pipes.

1761. There is no pressure if it runs down hill and never rises up again. The cost would be materially different?—I do not clearly understand; of course I will not attempt to carry my pipes over hills.

1762. Supposing it ran over open drains, what could you command from the reservoir, supposing it ran on open drains?—No one ever proposed to do such a thing.

1763. You could not give me an idea?—No; if you adopt open drains you must have special cuttings through people's lands.

1764. I want to know the quantity that could be commanded in covered pipes that would not bear pressure?—The next point to which I draw your attention is my tender for the sewage given to the Board in July 1863. There is a clause I should like to read, No. 7, "That the regulating reservoirs shall not be constructed upon any spots that have not first been approved of by the Metropolitan Board of Works. Nor shall the sewage be delivered on the land within a line round London, to be drawn by the Metropolitan Board of Works." In the face of that statement, Mr. Thwaites says I intend to pump to Hampstead.

1765. Mr. *Ayrton.*] No; the original proposal was that?—If you look at his evidence, you will find he says that is still the intention. Of course, in the face of that tender it was impossible for me to do anything of the kind. If my tenders had been read, the gentlemen would have known that; probably they did not read it. Now, Sir, I ask you, and I ask this Committee, how could I, under that clause, pump the sewage back to Hampstead, or Highgate, or Shooters' Hill, or any other point to which they thought proper to object?—If they had granted me a concession, and that I had attempted to do so, my concession would have at once been forfeited. No man at that Board then, who had read that tender, but must have known that I had no intention of pumping the sewage to any one of those points. Bearing that fact in mind, I will now direct the attention of the Committee to the reasons given by the Board on the occasion of the concession being granted to the Promoters of the Bill now before the Committee for granting that concession to them, and refusing it to me. I shall do this for two reasons; first, because the Counsel for the Promoters quoted to this Committee as facts that should have weight with them, that the Board had for years given great consideration to this question, and that the concession was agreed to by a majority of three to one. And, in the second place, as showing that the concession was refused to me upon grounds that were contrary to the fact, and that therefore the decision of the Board should have no weight with this Committee as against me, or in favour of my opponents. Mr. Freeman, the Chairman of the Main Drainage Committee, to which this whole question was referred by the Board, and who had given great consideration to this question, speaking to this question on the bringing up of the Report of the Main Drainage Committee in favour of Napier and Hope's scheme, spoke as follows with reference to me: "There were, in reality, only two tenders for them to consider, those of Mr. Ellis, and Hope and Napier, the others were mere shadows. As regards the scheme of Mr. Ellis, in a sanitary point of view, he believed it would be madness to adopt it; he had spent millions in collecting the sewage, in carrying it to Barking Creek, and were they to spend millions more to bring it back to Shooters' Hill and Hampstead Heath? When they placed any proposal of that sort before a Committee of the House of Commons, they would certainly regret it. In a commercial point of view, it would be necessary to spend millions to get this sewage to those places, and pump it up, and millions more to distribute it, and could they, after this, expect anything like a return for the immense capital necessary for this; taking the utmost scope possible, they could expect no more than four or five per cent. interest on the capital, which would give nothing to the Board, and therefore the scheme, being in a sanitary point of view, objectionable, and in a commercial point of view also, he for one would not support it." To which the general response was, "Hear, hear." Then another very prominent member of the Board, Mr. Newton, spoke as follows: "Now Mr. Ellis's scheme was equally before the Board to-day," &c. &c.

1766. Mr. *Knight.*] Tell us your reasons for the Bill, and let us find out the reasons against it?—The Honourable Member for Bath, in the House, some time ago stated to the House, that he proposed to pump the sewage to Hampstead and Shooters' Hill.

1767. Mr. *Ayrton.*] What does it matter. You have read your letter to the Board, in which you have retracted that?—I am very glad I have been able to persuade the Committee of it.

1768. *Chairman.*] We will consider that assumed?—I require no more.

1769. Mr. *Knight.*] What reason have you for going to Brentwood?—That waving line marked brown, is the water-shed of the country; if you put the reservoir anywhere on that, it must command an immense amount of land, because the land falls away from it; our policy is to find a spot at the lowest point which will command the largest extent of area. Then I say, it will be seen that by placing the reservoir at almost any point along the line of the water-shed (*tinted brown on the map*), I can command a very extensive area on all sides of that water-shed, inasmuch as the country falls away from it on all sides, as will be seen by the run of the streams. And in the area I can command, is included the entire area of the Messrs. Hope and Napier. But almost all that land, however, I would carefully avoid. And I would do so on the advice of one

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of their principal witnesses; Mr. John Bennett Lawes was examined on oath before this Committee, and gave very strong evidence in favour of the locality over which the Messrs. Hope and Napier proposed to distribute the sewage. But, unfortunately for those gentlemen, Mr. Lloyd put to him the following questions. No. 420. *Q.* "You gave evidence upon this matter before Lord Robert Montagu's Committee last year, I believe?—*A.* Yes. 421. Do you confirm the evidence which you then gave?—Yes." Now, on turning to the Report of that Committee, it will be found that Mr. Lawes, at Question 4389, was asked as follows:—

This is referring to a previous examination before another Committee. "You also stated in that Blue Book that Essex would not do for the application of sewage, but it is too low, and that you could not drain away the water; do you still hold that opinion?—*A.* I think there would be great difficulty about it; I do not say that it is not to be got over, but all the valley of the Thames is a very rich fertile soil, and it is itself below the level of the Thames, therefore you would have considerable difficulty in getting rid of that large quantity of surplus water." The next question is, "In your examination before the Committee of 1852, you stated that Essex would not do, because it was too low, and because the water could not be drained away; have you still the same objection to Essex?—I think there would be difficulties in its application there for that reason." And again, at Question 4534, he was asked, "A question has been put to you as to whether you thought the use of the sewage of London upon the Essex marshes would be advantageous or otherwise; did you not state that the country lay too low for the proper application of it?—I was referring to the valley of the Thames exclusively. You do not refer in any way to the higher lands in Essex, to which the sewage might be pumped, do you?—No. Was your answer entirely with reference to the low marsh lands along the banks of the Thames?—Exactly." That is the ground marked green. That is Mr. Lawes's evidence.

1770. Mr. *Ayrton.*] That is exactly so; the marshes do not extend to the green mark by any means; the line of marsh is a very small part of the green?—It includes them.

Now I most respectfully call the marked attention of the Committee to these answers of Mr. Lawes, the correctness of which he verified on oath before the Committee. From his evidence, he being the evidence for the Promoters of the Bill, we find that the low marsh lands along the banks of the Thames are unfit for sewage utilization. The marsh lands are those marked green on that map. The Committee will therefore, I trust, agree with me in saying that they should be carefully avoided, if possible. Now, by the plan of the Messrs. Hope and Napier, it is not possible to avoid them unless they return again to their old love and confine themselves to that area of sand, which, in 1861, they thought sufficient. But by my plan, holding as I do the sewage under the most entire control, making it, as it were, my slave, I can direct it where I please on the area commanded from the summit reservoir. I am forced to deliver it on bad or unsuitable land as they are, but I can take it just to the localities for which it is most suited, and where I can sell it to most advantage. There is another point to which I would direct attention. It is asserted that we cannot sell sewage all the year through. But why can we not? Is it because it might be thought less valuable at one season than another? If this should prove to be the case, why can we not adopt the plan of charging less for the sewage at those times, when it is least wanted, and thus tempt farmers to take it from us at those terms? Let us say, for instance, in winter, when it is supposed to be most diluted, will not its good effects be felt upon the succeeding crop? Lord Essex, when under examination before Dr. Brady's Committee, in 1862, in answer to Question 35, stated as follows: "It is stored up as it were in the soil, and put it on when you like it remains in the soil till it is wanted by the plants." His Lordship, too, uses sewage every day on his land. In answer to Question 11 his Lordship said: "I get about 60,000 gallons a day, which is about 270 tons; that is the quantity which I put on my land daily somewhere or other." Now what is done with the Watford sewage can be done elsewhere, provided we have a suitable area for distribution. Of course no field will require sewage every day, nor every farm on the area; but the more we extend the area of distribution, and the more competition for the manure we shall secure, the more certain we are that there will be here and there over the area such a demand as will ensure the daily consumption of the day's supply of sewage. And, to explain this more clearly, I will submit to the Committee a little calculation, showing what is likely to be the state of things on the area over which I propose to lay down works of distribution. To absorb the area, the whole sewage of the north side, which is stated to be 10,000,000 cubic feet a day, which I believe is greater, I have taken my calculation on that figure, the sewage would amount to 284,100 tons per day, and this, at an average distribution of 150 tons per acre, which would be a depth of 1½ inches, would require 1,894 acres, and equal to the 1,109th part of my whole area. This would leave 205,499 acres without any supply whatever, which, of course, would be competing for the day's supply, and there would be none left. But, on the area of the Messrs. Hope and Napier, a different state of things must exist. On that map they show an area, which they have coloured green, and which they say gives them 105,000 acres; but how many of those acres can they really approach? But what really is the area that the Messrs. Hope and Napier have to deal with? It has been so repeatedly that I am in some doubt about it. When those gentlemen, and their engineer, Mr. Hemans, were under examination before Lord Robert Montagu's Committee, Mr. Hope, with reference to the land coloured green, in answer to Question 605, said: "Mr. Hemans estimates that the area commanded would be 20,000 acres;" but Mr. Hemans, in answer to Question 618, states as follows:—"I say that an area of 30,000 acres is commanded, and could be watered by this culvert." That is the evidence of Mr. Hemans and Mr. Hope. The next information the public received from these gentlemen, as to the extent of their area, was in a letter from Mr. Hemans, which appeared in the "Times" of the 17th of November, in which he gave it at 80,000 acres, and in which he was good enough to inform the public that I proposed to pump the sewage back to Hampstead. I will not read the exact words; I have got the letter here. But now this mysterious area, which seems

seems to have the power of extending itself to any extent just in proportion to the extent of information which the Promoters may from time to time pick up with reference to the requirements of the case, is now stated to be 103,000 acres. To what extent it may swell out in a week or two, or at any moment, it is, of course, impossible for any one to say or even to imagine. But, taking it at their present figure of 103,000 acres, a very different state of things will exist than on my area. My works will take the sewage to every farm on my area, but how many of those acres coloured green can they approach? They have no power to lay their pipes from their conduits except over high roads, and they say that as every farm has a right of way to the roads of the area, therefore they can deliver the sewage on those lands. But, although every farm must have a right of way to a road, it does not follow that it must have a right of way to this conduit. The reverse is the fact. Now, as these gentlemen have not taken any power to lay down works of distribution over these farms, it follows that they are completely at the mercy of the farmers; and those latter would be more or less than human if they did not take advantage of the position. Now, we know pretty well what human nature is, and therefore we can, with much certainty, foretell what will be the state of things along the line of that culvert. It will be as follows: Those farmers whose lands immediately abut on the culvert, if they take the sewage, will of course have to pay for it; but let the Company try to carry their cuttings beyond, to the farm outside the boundary of their first customer, and will he not say "snacks" —will he be content even with half the profits? Well, then, say that farmer No. 2 on the line of the cutting is settled with, will not the same game be played over again by farmer No. 3? And so on to the end of the chapter. My pipes are laid along the roads.

1771. *Chairman.*] Why should they not do so?—There is nothing to prevent them if they can get at the roads.

1772. Will your roads bring them into connection with them?—Every farm must have a right of way to a road, and if I adopt a plan of laying all my pipes in the roads, I bring myself in contact with every farm.

1773. You say that the farmers will say "snacks," why should not the others?—I have not to bring my pipes through any particular farm to reach another farm.

1774. Why not?—If I adopt the line of the roads, every farm, to carry on its farming operations, must have a right of way to the roads.

1775. I cannot understand why, if they carry on their line through the road, the same should not apply to you?—There are farms there that are not reached from the pipes. The reason that that is so is, that this culvert is cut after the farms have been laid out, but the farms have been laid out originally with reference to the roads, and so that they can approach the roads; that is not the case here at all. But the Promoters say, "The Company are not to undertake this outlay." Well, how will that assist them? If the carriers are not laid, it is evident that they cannot sell any sewage; and away vanishes from their profit all that marsh land which their witness, Mr. Lawes, says is so unfit for sewage. But the Promoters say, "No; the farmers will, by mutual consent, make the carriers for their own convenience." As well might I expect them to lay down my distributing mains along the roads. All that can be expected is, that they will lay down works for their profit and convenience upon their own lands; but if those works, after serving their own turn, are then to be extended to the farms beyond them, then assuredly the farmers, who find themselves masters of the position in consequence of the necessity for carrying the cuttings through their lands, will take advantage of their position. The fact that such an advantage can be taken of the Company, wipes out from their area all the lands which cannot be reached by the roads. Now, will the Messrs. Hope and Napier tell us how great an extent of land can be reached by the roads from the culvert, and what will be the costs of those additional works, not one penny for which is allowed in their estimate. All these reasons apply with greater force to the area; they say, "they calculate on supplying it by the farmers pumping the sewage from their mainholes along the line of the culvert." The same "black mail" would everywhere be levied. And, in addition, the farmers must purchase steam engines that are very costly, and about the management of which they in general know nothing. From this we see that if the Messrs. Hope and Napier are really to be in a position to deliver the sewage over the area marked green, they must have compulsory powers to take such land as they may require for the purpose of laying their pipes to those farms not commanded by the culvert from the roads, and erecting the necessary works. And as they have not asked for such powers, then the greater portion of this area of 105,000, if not the entire of it, for reasons other than those given by Mr. Lawes, is quite illusory. But assuming, for the sake of argument, that it is not so, and that they can command the entire of that area; and further, that every acre of it, as well as of those more than doubtful lands, were in a position to receive sewage, then arises the question, "Is that area sufficient for the profitable absorption of the sewage of the north side of the Metropolis?" I do not mean would that manure benefit the land. But is there a sufficient area to enable those purchasing the manure to recover in crop such an increase of produce as would enable them to pay the full value of the manure, and leave them the usual farmer's profits? It will not do to say that you can, off a certain area, recover in crop the value of the manure. Farmers will not purchase manure merely for the pleasure of recovering in crop what they have paid for that manure; they will want something more; for they have to pay rent and taxes, and a variety of other charges, before they can see a profit out of which to live. Now I have shown the Committee that, taking the population of the north side of the Thames at 2,000,000, and estimating the excreta alone at 10 *s.* per person per annum, the sewage would contain manure worth 1,000,000 *l.* a year; and, in addition to this, there are a variety of other matters that must enter the sewers of a city like London, but for which, lest I be accused of exaggeration, I shall not allow anything. Nay, more, I shall reduce this figure by 300,000 *l.* a year, and say that the sewage is only worth 700,000 *l.* a year. By what process of farming is it possible to recover off the area spoken of such an addition to its present crops by the use of this

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sewage, so as to enable the farmers to pay 700,000 *l.* for this addition to their present supplies of manure? If it cannot be done, then the project is most objectionable, and assuredly should not have the preference over the plan I have submitted, which, at the same cost on works, or rather, I should say, at a less cost, can take the sewage over the area of twice the extent of good land, an area too susceptible of being enlarged from time to time as required, merely by pushing out the distributing mains further along the roads. But, in addition to this, we know, on the authority of Baron Liebig, that by the addition of a little superphosphate of lime, we can at once double the value of the sewage. But what is the use of doubling the value of the sewage, unless you can, at the same time, double the area of its utilization, for unless you can do this you cannot recover the value of the manure. Now the area of the Messrs. Hope and Napier is incapable of increase, unless they will condescend to adopt the system on which mine is based, in which case all the great outlay sunk on that unwieldy culvert, which, as I have shown, they cannot turn to much account, is all money lost. This, of course, would have no special interest for the public, did they not get something like 5 *l.* per cent. on their capital. Why, then, not at once adopt a plan which leaves you perfectly untrammelled, and by which you can take the sewage just where you please, and over almost any extent of area you like? But the area of Messrs. Hope and Napier, so far from enabling them to recover the value of sewage in future years, does not enable them to recover anything like its present value. The Committee have had the evidence of Mr. Hope on that point, and his outside return he estimates at only 400,000 *l.* a year, and this too, from the utilization of sewage, which must contain fertilizing matter worth at least 1,000,000 *l.* per annum. Of course the Counsel for these gentlemen will attempt to cast ridicule upon the statement I have made, but I would ask the Committee to recollect that this estimate rests on too high authority to be pooh-poohed; and the fact that these gentlemen cannot show a return from their speculation of anything like the value of the property dealt with, is, I think, a proof that further inquiry is necessary before this question is finally decided, in order to ascertain whether the authorities I have cited in support of the value of this manure, or the scheme of those gentlemen, which will not enable them to recover that value, are in error. There is another point to which I wish to direct your attention; it is, that this scheme has an advantage over all others, because it has an outlet on to those sands which are to be fished up, as it were, from the bottom of the ocean. The Referees say that can be done. And the Counsel for the Promoters say that the decision of the Referees is like the laws of the Medes and Persians; and although I think I could say something on that point, and speak of vessels swallowed up on those sands, which the referees have reported are not quick sands, I shall be silent on that portion of the question; but I must ask, could not a greater area of good land be purchased for the money that is to be expended in this more than doubtful undertaking? And if an escape of 12,000 acres is sufficient on their restricted areas, would not a much less escape be large enough for me as a supplement to my much greater area? What is to prevent my leasing or purchasing a tract of land on my area for this purpose? In my estimates I allow a sum of 70,000 *l.* for stacking 4,000 acres for this purpose; and if 4,000 acres are not found sufficient, can we not readily get more land? Will not landlords be very glad to secure a great company as a tenant. In one word, Sir, there is no one point which can be named on which I cannot show that my plan is superior to that of the Promoters of this Bill. I therefore think I am justified in asking you to refuse your sanction to a Bill to carry out a concession obtained, as this has been, under a total misapprehension of all the facts as to mine, as I have already shown you. I do not ask the Committee to report in my favour, as they might, under the special instruction they have received. All I ask is, that they will refuse their sanction to this Bill, and recommend further inquiry. There is one point more to which I will venture to draw your attention. It is the personal attack which Mr. Denison, in his opening speech, thought it for the interests of his clients to make on me, and to which I certainly would not now refer, did I not fear that my silence might give a colour of truth to that statement. On referring to the evidence, it will be seen Mr. Denison has stated as follows:—"At any rate we are now here with the result of their (that is the Board's) deliberations and their experience," which did not enable them to find out where my reservoir was to be placed, "and we are now prepared to do a thing which we have come to the conclusion is the best thing that can be done, and which I may suggest to the Committee is the only thing which anybody is proposing to do, because I cannot shut my ears to what I heard a little time ago. There was a Mr. Ellis and a Mr. Smith with their schemes, but not with their money. Nobody is here now, or has been here, and nobody, I believe, is proposing to be here with a Bill binding themselves or anybody any way. No doubt there are many Mr. Ellis's, and Mr. Smith's, and Sir Charles Fox's, who are ready to express opinions, and say that the world in general ought to adopt their schemes, but adopting their schemes means finding the money. And we are as yet entirely in the dark as to whether anybody is disposed to adopt any or either of those schemes to any amount which is at all worth considering in dealing with a matter of this magnitude. However, that is rather premature, and I should not have said even that but for the appearance of Mr. Ellis here and his application." Surely Mr. Denison, when he made that dashing attack on me, must have been in ignorance of everything contained in my tender, and therefore, for his information, as well as for that of the Committee, I will read a paragraph or two from the letter I sent to the Board with my last tender for the sewage, and a copy of which will be found at page 419 of the Report of the Metropolitan Sewage. "In the Appendix to this letter, marked No. 1, you will find a copy of a letter from the eminent firm of Leeds' solicitors, the Messrs. Payne, Eddison, & Ford, from which the Metropolitan Board of Words will learn that a sum of 60,000 *l.* is ready to be lodged in bank to the credit of my local trustees (so soon as a conditional concession of the sewage shall be granted to me) as a fund to cover all expenses of establishing a company to carry out my plan for the economic and profitable utilization of the metropolitan sewage. This is, of course, enormously in excess of what will be required; but should the Board

Board consider necessary further proof of my ability to carry out successfully my own plans for the utilisation of the sewage, I beg to suggest that an additional stipulation can be added to the conditional concession, to the effect that I shall not take any steps to advertise my company until the Metropolitan Board of Works shall have first approved of my Board of Directors, and that half a million sterling of the capital of my company has been subscribed for." And further on is given the letter of Messieurs Payne, Eddison, and Ford.

Mr. *Lloyd.*] What is that read from?

Mr. *Ayrton.*] From the Appendix to the Report of last year, page 419.

Mr. *Lloyd.*] That is a mutilated copy, furnished by Mr. Ellis, for his own purposes, to the Committee.

1776. Dr. *Brady.*] Read the letter, that is the best thing?—I cannot allow such an observation to pass without noticing it.

1777. The *Chairman.*] The letter itself is the only real thing?—If there is any mutilation it is not mine.

1778. Mr. *Ayrton.*] The original letter will be brought before the Committee, and it will speak for itself; the observation will go for nothing?—This is put in by the Board of Works itself, and not by me; if it is a mutilation, it is not done by me. The Board of Works were called on by the House of Commons to furnish copies of all letters they received, and they furnished them; I had no control over them. I think that is a complete answer. Now, sir, what I then proposed I have been ever since, and now am, perfectly prepared to carry out. In what way, then, was Mr. Denison justified in his attack? Is it because I have not now a Bill before the House? With reference to this letter, allow me to say that for a considerable time I have had no communication with the solicitors, and I am not prepared to say whether they are now ready to carry out that arrangement; but I am quite prepared to find the money in other quarters. I do not wish to mislead the Committee on any point. I have had no communication with those solicitors for more than a year.

1779. Dr. *Brady.*] But you are in a position to command the money now?—No doubt any person is in a position who can get the concession.

1780. Mr. *Ayrton.*] You are as well off as anybody else?—I have had no communication with those solicitors since the date of the letter which appears in this, and therefore I am not now in a position to say whether their clients have changed their minds. As I am on my oath, I do not wish that there should be any misapprehension. Now, it is said I have not a Bill before the House. Why have I not a Bill before the House? Let Mr. Hemans, the engineer, for his clients, answer that question. On referring to the evidence taken before this Committee, at Question 113, it will be seen he was asked, "You say this scheme, or one like it, was brought forward in 1861?" The answer is, "Yes." "Under your auspices?" The answer is, "Yes." The question is, "What was the fate of that scheme?" The answer is, "The scheme fell through from the concession of the sewage not being obtained in time to go to Parliament." The question is, "Then you conceive the concession of the sewage to be the very backbone of this scheme, do you?" The answer is, "Certainly." From the answers the Committee will see why it is I have not a Bill before Parliament this Session. I have been refused the concession, but, as I have shown the Committee, for reasons that were contrary to the fact. On these grounds alone, had I failed to show any other, which, I think, is not the case, I trust the Committee will secure a further and more searching inquiry into this first question by refusing to sanction the Bill of the Promoters of Metropolis Sewage and Essex Reclamation Company. I have to apologise for the time I have detained you; it is necessary I should put it at some length before you.

1781. The *Chairman.*] I understand it to be an essential portion of your scheme, that the sewage should be pumped to a considerable elevation?—Yes.

1782. It is essential that there should be a considerable reservoir?—Of a certain size; my calculation is for 12 hours' supply of sewage.

1783. There is no provision in your scheme for disposing of the sewage at a time it is not taken by the farmers?—On the contrary, I allow a sum of 70,000 *l.* for stocking different farms at different points, for the very purpose of allowing sewage to flow out at those times that there might be an access if it ever did occur.

1784. What is to become of it?—It will be utilised.

1785. If no one is inclined to take it?—It is a question of price.

1786. Supposing at any period of the year the farmers are not inclined to take the sewage, your scheme provides no plan for disposing of it?—Yes; in my present plan, which is a modification of my previous one, I did not include it because the company will lease certain points along the pipes on which, on these occasions, if they do do arise, the sewage will be allowed to flow, and on which we should cultivate the surface.

1787. It is a part of your scheme to have certain land leased of your own?—Yes.

1788. By Mr. *Ayrton.*] The whole cost of your scheme, including the distribution, was 4,000,000?—That is an old affair. I have revised estimates.

1789. What is the whole cost of your scheme as you now put it before the Committee?—That estimate is based on what I believe to be the real amount of sewage to be dealt with, which is considerably more than stated; but as these gentlemen have based their estimate on the daily flow of 10,000,000 cubic feet, I have done the same, in order to make a comparison of the two; I may mention that these prices are based on the evidence which was given by Mr. Bateman before Lord Robert Montagu's Committee last Session, and I presume that they will be admitted by my opponents. The total amount will be, for engines, mains, reservoirs, distributing mains, and for reserve area and contingencies, in all, 2,006,248 *l.*, and that is an excessive estimate.

1790. For how many acres will that provide mains?—The number of acres will be 207,393 acres, equal to 324 square miles. I calculate laying the pipes down an area of twice that extent, to enable me to bring myself in contact with that number of acres, but that is an excessive calculation. I allow one-half the area for roads and water, and other things, that is in excess; my real expense will not be as much as I state here.

1791. How many miles of mains will be included

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cluded in that estimate?—I allow one mile of main to every two square miles of country.

1792. How many miles of mains will that provide?—Six hundred and forty-eight miles.

1793. Can you divide the estimate, and tell us how much it will cost to pump the water up to the reservoir, including the mains, and including the reservoir?—The cost in bulk per annum is 60,490 *l.*

1794. For what?—Lifting the total quantity of sewage to 150 feet.

1795. The annual cost?—Yes.

1796. What is the cost of the works?—Erecting the engines?

1797. Yes, including the mains and the reservoir?—The engines and buildings will be 223,740 *l.*, the mains would be 560,850 *l.* the summit reservoir would amount to 125,000 *l.*, the distributing mains would be 904,608 *l.*, the item for stocking and piping the reserve area would be 70,000 *l.*

1798. What is the reserve area?—Allowing the sewage to escape at any time that it is not wanted.

1799. How much is that?—£. 70,000 for 4,000 acres.

1800. How do you propose to get the 4,000 acres?—To take it on lease.

1801. How do you propose to get the lease?—A company such as this, who would be a good security for the rent, would be likely to get the land on favourable terms; we do not want it all on one spot, we should prefer to have it at different points for the purpose of showing people how to use the sewage, and therefore it would be more easy to get it. Our contingencies are 10 per cent.

1802. Mr. *Miller.*] Where will the surplus go to?—On this area; the larger the area of distribution is, the less surplus there would be, if any.

1803. Mr. *Ayrton.*] If you made these works at this cost, and the farmers did not take it, what would you do?—Then we must extend our area of 4,000 acres and get a larger area for ourselves; but if we can supply the sewage at the price I have mentioned, I think it is very likely that they will take it. We can supply sewage at a halfpenny a ton, after deducting all working expenses and other charges, and pay 10 per cent. on the capital. I should think, under any circumstances, farmers would be willing to pay that.

1804. Dr. *Brady.*] Would not the outlet at the termination of the works of the Board of Works still remain?—Yes.

1805. Mr. *Ayrton.*] I am speaking as to the profitable character of the works which you are to construct, if after spending that large sum the farmers did not take the sewage?—If they did not it would be a total loss, but if farmers want manure, and we can bring it to them at a quarter the price of the present manure, it is fair to assume that they will purchase it.

1806. Dr. *Brady.*] The same means of outlet that are proposed by the Board of Works are still in existence?—Yes.

1807. Mr. *Ayrton.*] You would not use it?—Oh yes, we would use it on our own reserve area as soon as possible; if there was too much, we would allow a portion to flow into the river.

1808. Mr. *Clay.*] If you are driven to it by the indisposition of the farmers to take it, do you see a probability that you would be able largely to increase the area of 4,000 acres?—I think it is not unreasonable to suppose the landlords would be glad to get such a company as a tenant, and that they would be disposed to deal liberally with us.

1809. I suppose you admit that if the farmer would not take the sewage your plan would be a failure?—That applies to everybody.

1810. No, not to the other plan?—So far as all that green land is concerned, we have had evidence here of farmers who said they were willing to take it; that evidence is as much in favour of mine as it is in favour of Hope and Napier's.

1811. It has been said it is probable that they will not take it to any extent; if that be so in your plan it is a failure; if that should be so in this proposed plan, this plan is not an entire failure, because there is a reclamation at the end of it?—There is nothing to prevent my leasing land and using the sewage as they do.

1812. By Mr. *Sclater Booth.*] Would it be practicable for you to enter on the construction of your works without previously making arrangements with the whole of the landholders?—Yes, because it will take at least four years before I can get my Act and complete my works; it would be premature to take the land now; there would be plenty of time to make the arrangements; it is premature to make arrangements with landlords till we had a definite understanding about what would be done.

1813. Supposing your scheme is only a partial success, that you could not dispose of more than one-fourth or one-fifth of what you expect, how would you be circumstanced then?—I would have this land as I state; the area is very large, and it is only fair to assume that landlords would be glad to get good tenants.

1814. If you had an estate of your own to treat in this way, it would be only a poor substitute for that which the promoters of this Bill propose?—They must first reclaim the sands.

1815. There is a place where the whole of the sewage can go; by your plan I do not see how you could set to work till you had made arrangements with the landowners to take the sewage?—My area is so very large in comparison with Messrs. Hope and Napier, that there would be very little for the land over that area, and the competition that there would be for the sewage would enable us to arrive at a correct conclusion that if we sold the sewage in the first place at a reasonable price, a halfpenny a ton, they would take it, if in a ton of this sewage there is twopennyworth of manure and we sell it at a halfpenny or only a pennyworth.

1816. You could not afford to sell it at a halfpenny unless you had a market for the whole of the sewage?—Then it would pay 10 per cent.; if I sold it at a farthing it would pay all the working expenses, and leave me a small profit.

1817. By Dr. *Brady.*] We have had evidence before the Committee that the farmers are anxious to have it?—Yes.

1818. And there is no difficulty in getting men to use the sewage if you can bring it to the farms?—I think not.

1819. By Mr. *Paget.*] Supposing you are not able to dispose of it to the farmers when it has run over the 4,000 acres, where does it go to?—I am supposing the case of the 4,000 acres, in the event of being able to have a large number of customers; if we find that we are mistaken in that, we must increase our area and take it on lease.

1820. After

1820. After it has run over the soil, where is it to go to?—Anything that is applied to the soil, and passes through it, will be beyond our control, and will go into the drains and escape in the usual manner; that must be the case on those green lands.

1821. Have you made a provision that you shall have a right of turning down 100,000,000 tons of sewage a-year down watercourses which have not been accustomed to receive it?—I do not propose to turn it down any watercourse; if we sell the sewage to farmers, it passes beyond our control; they apply it to their lands and we have nothing further to say to it.

1822. Supposing you put it on this high land, and it sinks into the land, the springs in the valleys are all fed from the waters on the high land; are you certain that the effect will not be to deteriorate the water supply of the valley around?—Certainly not, if applied in moderation; we have had abundant evidence of that; if we put 100,000,000 of tons in a small locality, it will be a nuisance; we had the evidence of Mr. Way and others here to say that when it is supplied in large quantities, as in Croydon, it passes off the land there in a purer state than much of the water that is drank at present, and if we apply it in small quantities there would be less fear of nuisance.

1823. By Mr. *Miller.*] You require 4,000 acres to dispose of the sewage?—I say we will take that for the purpose.

1824. I should like you to give me a short answer to a short question. If you require 4,000 acres for the sewage to be put on, how many acres will that involve the necessity of your taking, because you put it on grass land only?—I do not say that.

1825. What do you propose to irrigate with it besides grass land?—On our farm we should put it on all sorts of land; we could put more, if it was merely with a view of getting rid of it, on grass land than on anything else.

1826. In the course of the evidence it has been shown that it is adapted only to grass land?—No, that is not so; here is the report of Baron Liebig, which shows that it is a decided loss if applied to grass land.

1827. By Mr. *Knight.*] Your objection to Hope and Napier's plan is, that they have not enough land under the influence of the sewage?—Not enough to distribute the sewage so as to enable the farmers to recover its value in crop.

1828. Supposing it found that the land coloured green and red is not sufficient to use the sewage profitably, will it not be easy to have a reservoir on the watershed, and pump the water up?—There is nothing to prevent them adopting my scheme; they have adopted so much of it that they adopt the remainder.

1829. Theirs has an outlet which yours has not; yours disposes of the sewage eventually?—Their scheme is burdened with the expense of that culvert, and that reclamation which, in the case you suppose, would be unnecessary.

1830. There is nothing to prevent their using the land that you propose to use in addition to the land which they now propose to take?—No; but I use all the land that they propose, and a great deal more, at a much less expense.

1831. Mr. *Ayrton.*] Subject to the correction you have made, you adhere to your evidence which you gave last Session?—Yes.

Cross-examined by Mr. *Lloyd.*

1832. May 1860 was the first tender of the Board of Works?—I do not know about that.

1833. In March 1861 was your first tender to them?—Some time in 1861.

1834. Have we got that before us in any of these documents?—I should suppose it is in this Blue Book.

1835. At the head of that tender, did you call yourself a builder and contractor?—Yes, in 1860, and I will explain the reason why.

1836. I should like to know?—As the question is asked, I should like to answer it. At that time I was endeavouring to establish myself as a contractor, and I naturally described myself as what was my real occupation at the time. Since then I have unfortunately got hold of the sewage question, and I have given myself up to it entirely, and have not carried out my original intention.

1837. Your next tender was on the 9th of July 1863?—Will you give me the page in the Blue Book?

1838. Page 419, that is the beginning of it?—That is my next tender.

1839. Now, direct your attention to the lower part of the first column, page 421; about five lines from the bottom, do you see the words, "To distribute the sewage upon my plan, or any colourable alteration of it"?—I have got it.

1840. Had your original letter got the appendix to it?—I presume it had, if it is there.

1841. But it is not here?—Then it should have been. These are documents furnished by the Board, and if they have not put the appendix to it they ought.

1842. Have you any copy of it?—No, I have not. There is an appendix, No. 1 and No. 3. The appendix is an extract of information I had given them before; you will find it in another place. Probably that is the reason they do not give it here.

1843. In that plan do you mention Hampstead and Shooter's Hill?—Yes.

1844. Have you ever mentioned to the Metropolitan Board of Works any other places than those?—No, I have not. I have read the letter in which I told them I was prepared to go to the expense of making the surveys, which would require a considerable sum.

1845. Did you ever lay before them a point a few miles to the north?—Never.

1846. Or show that blue conduit to anybody before?—Never.

1847. Or fixed yourself to any definite plan except the one set out in Appendix 4?—I have not got the Appendix 4 here. If you will allow me I will explain that that is extracted from a pamphlet that is printed here in the previous part of this Blue Book, and the reason I mentioned it was this, when I first gave my attention to the question of utilising the sewage I found myself in the presence of a report made by Mr. Thomas Wickstead. It was stated by him it was a commercial impossibility to utilise it, from the great expense, and I thought it advisable to make a counter estimate, and I sent it in to the Board of Works, and as I had not taken the survey I thought it honest to state everything against myself, and to assume that I was to pump to the highest point, and for that reason I put my reservoir at the top of Hampstead Heath. You

Mr. *T. Ellis.*
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have seen from the letters I read to you that I withdraw from that, and I explained that I placed myself in their hands.

1848. Did you not tell me that you were referred to it again in your tender of 1863, and sent it in the appendix?—I do not think it is stated there. I cannot say what is in that appendix, because I have not got it here. I do not know what is in it. There was Appendix No. 3, that went with the other.

1849. You must not volunteer answers unless it fairly arises from my questions?—You are endeavouring to induce the Committee to believe that in 1862 I adhered still to Shooter's Hill and Hampstead; there is a written document I insist on reading as part of my answer.

1850. What is the page?—423, headed "Suggestions for an agreement between the Metropolitan Board of Works and Thomas Ellis, of 76, Warwick Square, Belgravia, with reference to a concession of the sewage of the Metropolis." I am going to read Clause 7: "That the regulating reservoirs shall not be constructed upon any spots that have not first been approved of by the Metropolitan Board of Works, nor shall the sewage be delivered on the land within a line round London, to be drawn by the Metropolitan Board of Works." Could words be any stronger than those?

1851. When did you lay down that blue line?—That has been drawn within the last week by an engineer.

1852. Have you got here the plan and sections showing the course that line will take, and the works that will have to be done in the course of it, and the elevation it will have to be above the ground?—I produce the Ordnance bench marks, which show you what will be the elevation at that point.

1853. You have come with an estimate of what that will cost. I want to know if you can show me the line and the levels of the country? The lines and level of the country might be very important if it was a conduit such as yours by gravitation, but I am forcing the sewage up through iron mains; they are to be buried in the earth, therefore it is of no consequence to me.

1854. Then up to the hill near Brentwood, is it to be an iron main?—Two iron mains. Upon that point I would rather you examine the gentleman who has made the calculation.

1855. Is it to run straight across the country, or along the roads?—Yes, it is to run straight across the country, and I pay for the right of way. I allow 100,000*l.* for it.

1856. Do you suppose it to follow the line of the ground, and be at a consistent depth under it?—It will be such a depth under it as that it will be beneath the reach of frost.

1857. Suppose the land rises, are the pipes to rise with it?—If the land rises to any great elevation, of course it will have to rise with it.

1858. And go down again, if you come to a valley?—And go down again when it comes to a valley; but, if you will allow me, there is no necessity for its being an exactly straight line: I can avoid any of those difficulties.

1859. What I wanted to know from you is, if you mean to follow the roads with it?—Not with that; that is not my distributing.

1860. How do you get your sewage up the pipes?—I force it by steam-engines.

1861. Placed where?—Some little distance from the outfall reservoir at Barking. I have my engines there for the convenience of getting the coal out of the barges.

1862. There is no downward part. It is a lift the whole way?—It is a lift the whole way. I have not been over the ground, therefore I cannot tell you the exact contour of the ground. It is not necessary that I should.

1863. You have never been over the ground to make a general survey?—I have not.

1864. Did your engineer?—I have no particular engineer on this occasion.

1865. You have had no survey made at all?—There is the survey there, the bench marks. All that is necessary is, to show that I can find a place of sufficient elevation.

1866. I want to know as to the intermediate country, and you say you can tell me nothing about it, that you have never surveyed it?—I have not.

1867. Nor has anybody?—Nor has anybody.

1868. Have you considered the question of deposit in these pipes?—Yes, I have.

1869. And you think there will be none?—I think there will be none. If you will allow me, I will tell you why; perhaps it is a part of the question you would not wish me to answer.

1870. Yes?—In the first place the sewage will have to be lifted by the Metropolitan Board of Works, the greater part of it before it comes to me, and for their own purposes they must strain it to keep the foreign matter from their pumps, so as not to injure their pumps (at least, I take it for granted, they will adopt a rational plan of that sort), then it flows into the reservoir, and there will be a certain amount of deposit that I can clean out occasionally; that is a guard for me. From that reservoir it will then flow through brick culverts, which will be made in sets, for the convenience of cleaning, and there will be strainers, or things that will strain it, and to keep it still further clean; when it arrives at my pumping station it will be tolerably clean. There will be a constant flow of sewage in the pipes, and those fine matters that would then settle would be swept away by the succeeding day's work. In addition to that, there would be an arrangement of the pipes, so that it can be shut off at a distance and flushed; and I may mention in the case of the pipes at Fulham, we have it on the authority of the party who made the pipes and took them up afterwards, that in the pipes there was no deposit around the sides whatever. At certain points they were blocked up by large foreign matters being pumped into them, and forming obstructions, but that, of course, would not occur in the case of my pipes.

1871. What is the horse-power of your engines?—I would rather you examine another gentleman on these points; I can give you no details; I do not pretend to much engineering knowledge.

1872. I want you to give me the number of horse-power?—I will give you the number of horse-power.

1873. Is it taken from Mr. Bateman's evidence?—It is taken from Bateman's evidence and Hughes', and as Hughes' ran out heavier than Bateman's, I take Hughes', and I charge myself for engine-power a higher sum.

1874. I do not ask the charge, but how many horse-power; surely you can answer that question?—I will find it for you: according to Hughes, the gross horse-power would be 3,729.

1875. To

1875. To lift what?—To lift 10,000,000 cubic feet a day, 150 feet high, and to allow for the friction in 15 miles of mains; Bateman's calculation, I think, comes out at 3,314 horse-power.

1876. And how much per annum for horse-power?—I have not taken them in that way at all; it will be about 19 or 20; but I have made my calculation, or rather the gentleman who ran this out on the data furnished by West and Hocking, before Lord Robert Montagu's Committee, as the cost of pumping in Cornwall.

1877. Now, as to the size of your reservoir; how many days' production of sewage will it contain?—Only 12 hours; but then, I have the Board of Works' reservoir also; of course I am to have the use of that, and in addition, I am to have the pipes.

1878. And you pump day and night?—I pump day and night at an equal rate during the day. I calculate that the demand would repeatedly exceed the sewage in the summit reservoir, and during the night I shall be able to restore the balance.

1879. How do you suppose you are to keep a constant pressure, if it is not to be used in the night?—Do you mean the reservoir.

1880. No, the manure?—There are 10 working hours.

1881. Supposing you start with it full, and you run it out in that time?—No, we cannot, because not only do we start with it full, but the engines are continually pumping into it.

1882. You start with it full at the beginning of the day?—Yes.

1883. Then you go on pumping?—Then we go on pumping. I do not know whether it may be full or not all the day, that would depend upon circumstances.

1884. What you are pumping in then is the night supply, which is comparatively little?—Then, in addition to that, I calculate that the day supply would gain upon me. I do not pretend to supply engines to enable me to dispose of the day supply in the 12 hours; I make an average of the day and the night, and that will enable me to reduce my engine-power. I pump at one uniform rate both day and night. During the day the sewage will gain on me in the outfall reservoir, and during the night I shall gain upon it.

1885. Supposing all your farmers decline to take it, it is very wet weather, and they would not have it, what would you do with it?—In that case I have my reserve area.

1886. Your reserve area, I suppose, is a reserve area that you want to cultivate for yourself?—As you want to cultivate yours.

1887. Would it be grass land or arable?—That would depend on circumstances. My impression is, if the demand for the sewage is what I expect, and that in that area there would be a full demand, we could not afford to put much sewage on, and in that case we would cultivate in the ordinary course of cropping, but in the event of there being a small quantity, then we would have it all on the grass.

1888. Do you anticipate any of the sewage going into the river?—I do not anticipate any of the sewage going into the river, except probably there was a hard frost, which is very seldom the case in this country.

1889 Your original plan was, all that was not taken was to go into the river?—I have provided that escape; you must have an escape of that sort. It was my idea that escape would not be required any more than the escape, we will say, in a steam-engine, but you must have it.

1890. Do you still say you must use that as your escape if it is not taken?—That and the land, if it is not taken; but after the evidence you have given in favour of the value of sewage, I do not think you can adopt that line of argument.

1891. You think not?—I think not.

1892. You say you are not up in the calculations?—No, I am not.

1893. Have you made any calculation as to the working expenses of the company?—Yes, that is here; you can examine it.

1894. How much of that is for pumping?—What I stated is for pumping, 60,000 *l.* a-year.

1895. And the return; do not be particular to a million or two?—No, I will not. On the north side, selling this sewage at a halfpenny a ton, we should have an income of 105,889 *l.*, or 4¾ per cent. on the gross capital of 2,182,763 *l.*; selling it at a penny, we should have an income, and this is the net profit, after deducting everything, of 321,924 *l.*, or 14¾ per cent. on the capital; selling it at 2*d.* we would have an income of 753,993 *l.*, or 34½ per cent. on the capital, that is after deducting all working expenses. Shall I give you the working expenses?

1896. The 60,000 *l.* you have told us?—That is, pumping; salaries and rent, 10,000 *l.*; wages, 15,000 *l.*; bad debts, rates, &c., 10,000 *l.*; wear and tear, one per cent., 14,655 *l.* The total working expenses would be, therefore, 110,145 *l.* per annum.

1897. Should you have anything to do with the distribution yourself, or would you leave that to the farmers?—Yes, entirely at their disposal.

1898. You would pass it all through a meter?—There would be a meter at each farm.

1899. You would send it out on the penny postage principle?—Yes.

1900. Mr. *Ayrton.*] Did you place this precise plan before the Metropolitan Board of Works?—This is a similar plan.

1901. Just answer my question; did you place this precise plan, as you now present it to us, before the Metropolitan Board of Works?—I have never placed that summit reservoir before them in that position; I have never done anything but what I showed you; I stated I was ready to make all necessary surveys immediately on their entering into an arrangement with me.

1902. Your proposal to the Metropolitan Board was to place it on Hampstead Heath, and if they disapproved of that, to place it in any other position that you and they might agree on?—No; by my letter of 1862, which I have read, I entirely withdraw Hampstead Heath.

1903. You do affirm Hampstead in your subsequent letter, Appendix No. 4?—I do not think so at all.

1904. By Mr. *Miller.*] What letter are you referring to, Mr. Ellis?—I am now referring to a letter which bears date 8th February 1862.

1905. You have done nothing beyond the letter that you have read to us?—And the stipulation in my tender, which of course binds me.

1906. You have made no communication to the Metropolitan Board of Works beyond what appears in these papers?—None whatever.

1907. Mr. *Ayrton.*] You addressed a letter to the Metropolitan Board of Works on the 9th July 1863, did you not?—Yes, that is my tender.

1908. Did you not, in that letter, again repeat your

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28 March 1865.

your intention of placing the reservoirs on Hampstead Heath and Shooter's Hill?—I do not see how I could do it.

1909. Do you find that letter there?—I have the letter, but there appears to have been an appendix to it, which is not here. I think, from recollection, I can speak to having sent in an appendix, which is extracted from a pamphlet of mine, and in that there may have been the unhappy word Hampstead, merely as a point to show where I was going to pump it.

1910. By Dr. *Brady.*] It was with reference to height?—It was with reference to height, but with reference to this stipulation; it is evident I had no intention of pumping there or anywhere else, because, if so, the concession would have been forfeited; how could I, in the face of that, put it on Hampstead Heath, or any place that would be objectionable. All I meant was, if they made a conditional concession to me I should have a survey made over the whole country.

1911. By Mr. *Ayrton.*] Is that the Appendix No. 4?—Yes, that is my Appendix No. 4.

1912. You can only communicate with the Board in writing?—This is in writing also; you have not got the note.

1913. Yes, we have the whole of it?—Then will you have the goodness to look at the note at the bottom of it?

1914. Mr. *Lloyd.*] I ask you if you have made any survey?—No; I did not go to the expense; it would have cost thousands to make an accurate survey all round London.

1915. Mr. *Miller.*] The places most positively indicated by you were Hampstead Heath and Shooter's Hill?—They were merely points of calculation.

1916. And no other points were positively proposed by you before?—No other point has been named; but even assuming that I had named those points, I withdrew it in 1862, and I now withdraw it.

The Committee-room was cleared; on Counsel and parties being called in, the Chairman said: The Committee did not wish to hear any more evidence, or the reply, but were prepared to go through the Preamble to see if there were any amendments.

The Committee then proceeded to consider and make some alterations in the Preamble.

The Committee-room was again cleared.

On Counsel and parties being called in, the Chairman said: The Committee have resolved that the Preamble, as amended, is proved.

Mr. *Ayrton* asked Mr. Lloyd if he would put in the estimate of the component parts of the design.

Mr. *Lloyd* replied that he would, and handed in the following:—

ESTIMATE.

	£.	s.	d.
Main Conduit	861,735	17	6
Branch Conduit, No. 1 (Dingey Branch)	315,007	12	8
Branch Conduit, No. 2 (Foulness Branch)	415,354	–	–
Branch Conduit, No. 3 (Barking Branch)	37,828	15	6
TOTAL	£. 1,629,926	–	–
Pumping stations	70,000	–	–
	£. 1,699,926	–	–
Reclamations—	£.	s.	d.
Foulness	216,783	–	–
Dingey	128,260	–	–
	345,043	–	–
Fir Cross Banks—Preparation of surface, &c.	55,031	–	–
TOTAL	£. 2,100,000	–	–

The Committee then proceeded to amend and pass the Clauses of the Bill down to Clause 33; and adjourned to One o'clock To-morrow.

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON THE

METROPOLIS SEWAGE AND ESSEX RECLAMATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
30 *March* 1865.

[*Price* 1 *s.*]

171.

Under 12 *oz.*

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON THE

METROPOLITAN TOLL BRIDGES BILL

AND

CHELSEA BRIDGE TOLL ABOLITION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1865.

380.

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Mercurii, 26° *die Aprilis*, 1865.

Metropolitan Toll Bridges Bill, read 2°, and committed to a Select Committee.

Ordered, THAT it be an Instruction to the Committee to inquire into the existing Tolls on Roads and Bridges in the Metropolis, and the best means of abolishing them.

Lunæ, 1° *die Maii*, 1865.

Chelsea Bridge Toll Abolition Bill, read 2°, and committed to the Select Committee on the Metropolitan Toll Bridges Bill.

Martis, 9° *die Maii*, 1865.

Chelsea Bridge Toll Abolition Bill.

Ordered, THAT the Petition of the Proprietors of Battersea Bridge to be heard by Counsel against, be referred to the Committee.—Counsel ordered.

Mercurii, 10° *die Maii*, 1865.

Ordered, THAT the Select Committee on the Metropolitan Toll Bridges Bill do consist of seventeen Members.

Committee nominated:—

Mr. Alderman Salomons.	Mr. Locke King.
Mr. Cubitt.	Mr. Stanhope.
Mr. Jackson.	Mr. Adam.
Sir Baldwin Leighton.	Sir William Jolliffe.
Mr. Ayrton.	Mr. Cowper.
Mr. Charles Turner.	Lord John Manners.
Sir John Shelley.	Mr. Hanbury.
Mr. Liddell.	Mr. Tite.

Veneris, 12° *die Maii*, 1865.

Chelsea Bridge Toll Abolition Bill.

Ordered, THAT the Petition of the Wandsworth Bridge Company against, be referred to the Committee. Counsel ordered.

Ordered, THAT Mr. *Leader* be added to the Committee.

Ordered, THAT the Committee have power to send for persons, papers, and records.

Ordered, THAT five be the quorum of the Committee.

Ordered, THAT all petitions against the said Bill be referred to the Committee on the Bill, and that such petitioners as pray to be heard by themselves, their counsel, or agents, be heard upon their petitions if they think fit, and Counsel heard in favour of the Bill against the said petitions.

The following petitions stood referred accordingly from Metropolitan Board of Works, St. Saviour's District Board of Works, Albert Bridge Company, River Wear Commissioners.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Wandsworth Bridge Company against, be referred to the Committee. Counsel ordered.

Lunæ, 15° *die Maii*, 1865.

Ordered, THAT the Reports of the Select Committees on the Metropolitan Toll Bridges, 1854, and on Metropolitan Communications, 1855, be referred to the Select Committee on the Metropolitan Toll Bridges Bill.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Lambeth Bridge Company against, be referred to the Committee.

Martis, 16° *die Maii*, 1865.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Corporation of Sunderland against, be referred to the Committee.

Jovis, 18° *die Maii*, 1865.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Shipowners Society of Sunderland against, be referred to the Committee.

Veneris, 19° *die Maii*, 1865.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Proprietors of Battersea Bridge against, be referred to the Committee.

Lunæ, 22° *die Maii*, 1865.

Metropolitan Toll Bridges Bill.

Ordered, THAT the Petition of the Chairman of Putney Vestry against the Bill, unless Fulham and Putney be included, be referred to the Committee.

Lunæ, 19° *die Junii*, 1865.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them, and to make a Special Report to the House.

SPECIAL REPORT.

THE SELECT COMMITTEE to whom the METROPOLITAN TOLL BRIDGES BILL, and the CHELSEA BRIDGE TOLL ABOLITION BILL were referred, and who were instructed "to inquire into the existing TOLLS on ROADS and "BRIDGES within the METROPOLIS, and the best means of abolishing them"; ——HAVE considered the matters to them referred, and have agreed to the following SPECIAL REPORT:—

YOUR COMMITTEE have examined several witnesses to give effect to the Instruction of the House, but being unable to come to any conclusion thereon in the present Session, they have agreed to report the Evidence taken before them to the House.

Your Committee have not proceeded with the Bills referred to them, and recommend the appointment of a Committee in the next Session of Parliament, for the purpose of disposing of the matters referred to this Committee.

19 *June* 1865.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 15° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Alderman Salomons.	Mr. Cowper.
Mr. Adam.	Mr. Locke King.
Mr. Ayrton.	Sir Baldwin Leighton.
Mr. Liddell.	Mr. Tite.
Mr. C. Turner.	Mr. Hanbury.
Mr. Leader.	

Mr. Alderman Salomons called to the Chair.

The Committee deliberated.

Resolved, "That the Committee do take evidence respecting the matters contained in the Instruction of the House (26 April), before considering the Bills referred."

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 22° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Alderman Salomons in the Chair.

Mr. Jackson.	Mr. Hanbury.
Mr. Locke King.	Mr. Tite.
Sir William Jolliffe.	Mr. Ayrton.
Lord John Manners.	

Mr. *Ferdinand Brand* examined.

Room cleared.—The Committee deliberated.

Mr. *Ferdinand Brand* further examined.

Room cleared.—The Committee deliberated.

Motion made, and Question proposed, "That there be laid before this Committee the following papers:

"1. Account in detail showing the income and expenditure of the Bridge House Estate for the year 1864.

"2. Account of all charges thereon, showing the capital sums and terminable annuities, and the periods at which the annuities cease.

"3. To produce the rent roll of the Bridge House Estate for 1864.

"4. Statement showing the amount of rents from property let at a rack rent, distinguishing the amount of the rents of property held from year to year from that of property let on lease.

"5. Also the amount of rents from property let at ground rents on building leases.

"6. Also the amount of rents from property consisting of land unbuilt upon, and the situation and extent thereof.

"7. Account of all monies and investments now held on account of the Bridge House Estate, and the annual income of such investments.

"8. Account of the London Bridge Approaches Fund for the three years next before the transfer thereof to the Thames Embankment Fund.

"9. Of all the charges thereon at the time of such transfer"—(Mr. *Ayrton*).—Question put, and *agreed to*.

Motion made, and question proposed, "That an application be made to the Office of Works for an account of the Westminster Bridge Estate. That Mr. Austin be requested to

to attend the Committee on Thursday next, at two o'clock"—(Mr. *Chairman*).—Question put, and *agreed to*.

Mr. *George Powell* examined.

[Adjourned to Thursday next, at Two o'clock.

Jovis, 25 *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Alderman SALOMONS in the Chair.

Sir William Jolliffe.	Lord John Manners.
Mr. Liddell.	Mr. Leader.
Mr. Locke King.	Mr. C. Turner.
Mr. Cowper.	Mr. Tite.
Mr. Jackson.	Mr. Hanbury.
Sir Baldwin Leighton.	Mr. Banks Stanhope.
Mr. Ayrton.	Sir John Shelley.

Mr. *Alfred Austin*, Mr. *George Powell*, Mr. *William Ley Hunt*, and Mr. *Peter William Barlow*, were severally examined.

Room cleared.—The Committee deliberated.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 29° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Alderman SALOMONS in the Chair.

Sir Baldwin Leighton.	Lord John Manners.
Mr. Jackson.	Mr. Hanbury.
Mr. Leader.	Mr. Tite.
Mr. Liddell.	Mr. C. Turner.
Mr. Adam.	Mr. Cowper.
Mr. Ayrton.	Sir W. Jolliffe.
Mr. Locke King.	

Mr. *Peter W. Barlow*, Mr. *Ferdinand Brand*, and Mr. *William Ley Hunt*, further examined.

Major *Charles Listock Boileau*, Mr. *Thomas Jeffery*, Mr. *Archibald Chasemore*, and Mr. *John Edward Bradfield*, were severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 1° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Alderman SALOMONS in the Chair.

Mr. Jackson.	Lord John Manners.
Mr. Cowper.	Sir William Jolliffe.
Mr. Leader.	Mr. Liddell.
Sir Baldwin Leighton.	Mr. Tite.
Mr. Hanbury.	Mr. Ayrton.
Mr. Locke King.	Mr. C. Turner.

Mr. *George Labolmondière*, Mr. *Alfred Austin*, Mr. *George Whateley*, Mr. *George Henry Drew*, Mr. *Alfred Francis Jackson*, Mr. *Benjamin Scott*, Mr. *Robert Alexander Tillcock*, Mr. *Randolph Horne*, Mr. *William Baker*, Mr. *Stephen Seaward Taylor*, Mr. *John E. Bradfield*, Mr. *Joseph Noakes*, and Mr. *Robert Boak Baker*, were severally examined.

[Adjourned to Thursday, 15th June, at Twelve o'clock.

Jovis, 15° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Alderman SALOMONS in the Chair.

Sir William Jolliffe.	Mr. Hanbury.
Mr. Ayrton.	Sir Baldwin Leighton.
Mr. Adam.	Mr. Turner.
Mr. Liddell.	

Mr. *E. G. Mayne* examined.

Mr. *R. A. Tillcock* further examined.

Mr. *Richard Joseph Dennen* and Mr. *Richard Folkes* were severally examined.

Room cleared.—The Committee deliberated.

Motion made, and Question proposed—"That the Chairman be directed to Report to the House, that Mr. H. Mason, who had been summoned to attend the meeting of the Committee this day, had not obeyed the said summons"—(Mr. *Ayrton*).—Question put, and *agreed to.*

[Adjourned to Monday next, at Two o'clock.

Lunæ, 19° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Alderman SALOMONS in the Chair.

Mr. Tite.	Mr. Liddell.
Mr. C. Turner.	Sir William Jolliffe.
Mr. Leader.	Sir Baldwin Leighton.
Mr. Ayrton.	

Mr. *Henry Hewitt Mason* examined.

Mr. *Benjamin Scott* further examined.

Room cleared.—The Committee deliberated.

Draft Report proposed by Mr. Ayrton, read 1°, 2°, as follows:—

"THE SELECT COMMITTEE to whom the Metropolitan Toll Bridges Bill, and the Chelsea Bridge Toll Abolition Bill, were referred, and who were instructed 'to inquire into the existing Tolls on Roads and Bridges within the Metropolis, and the best means of abolishing them';—HAVE considered the matters to them referred, and have agreed to the following REPORT:—

"Your Committee have examined several witnesses to give effect to the instruction of the House, but being unable to come to any conclusion thereon in the present Session, they have agreed to report the evidence taken before them to the House.

"Your Committee have not proceeded with the Bills referred to them, and recommend the appointment of a Committee in the next Session of Parliament for the purpose of disposing of the matters referred to this Committee."

Report agreed to.

Ordered, To Report, together with Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Randolph Horne - -	Solicitor - -	Staines - -	1	- 5 -	2 2 -	2 7 -
Mr. Richard Joseph Dennen	Gentleman - -	Dulwich - -	2	- 10 6	2 2 -	2 12 6
					Total - - - £.	4 19 6

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MINUTES OF EVIDENCE.

Lunæ, 22° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Ayrton.
Mr. Hanbury.
Mr. Jackson.
Sir William Jolliffe.
Mr. Locke King.
Lord John Manners.
Mr. Alderman Salomons.
Mr. Tite.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. FERDINAND BRAND, called in; and Examined.

1. *Chairman.*] WHAT is your profession?—I am a Solicitor, and I hold the appointment of Comptroller of the Chamber and Comptroller of the Bridge House Estates, under the Corporation of London.

2. You know a great deal about the bridges within the City?—Connected with the Bridge House Estate and the Bridges.

3. The City of London Bridge was paid for out of the Bridge House Estates?—It was, the building.

4. It cost the public nothing?—Nothing.

5. And Blackfriars Bridge, now being rebuilt?—That is to say, the new one.

6. That will be paid also by the City out of the Bridge House Estates?—Yes.

7. It will cost the public nothing?—It will not cost the public anything.

8. Will you give the Committee some information with regard to Southwark Bridge?—What information does the Committee desire?

9. Are you not in communication with the Southwark Bridge Company, with a view to making some arrangement for having it open free of toll?—The Corporation have arranged with the Southwark Bridge Company to keep it open free of toll up to the 7th of November next, for which the expense will be defrayed out of the corporate funds. They made an arrangement to open it for six months, with the option, on the part of the Corporation, to continue it for another six months upon certain terms. The first six months the company agreed to keep it open for the sum of 1,834 *l.*, and if the Corporation desired to continue it after the expiration of that time for a further period of six months, they were to pay a further sum of 2,750 *l.*, making together a total of 4,584 *l.* for the year. The Committee will perceive there is a considerable difference between the two sums. The company said that the first six months they were willing to keep it open at an amount which would simply cover the expenses; but beyond that time they considered they were entitled to some interest on their capital.

10. That rental or compensation, or whatever it may be called, will be paid for out of the Bridge House Estates?—No, certainly not, out of the corporate funds; it would have been a breach of trust in them to have applied the Bridge House funds to that purpose.

11. You mean, that they had no power to apply the Bridge House funds to that purpose?—They had not.

12. But ultimately the amount will come out of the Bridge House funds?—No, there is no power at present to do it; the Bridge House funds are applicable to a particular trust, and the Corporation of London, as trustees, cannot divert the appropriation of the money to other purposes.

13. They can by the power of Parliament?—Yes, that is another thing.

14. You are not aware that they are going to Parliament for that purpose?—No; the Corporation paid the amount out of their own funds, in order to meet the public convenience during that period.

15. Has not the Southwark Bridge Company offered the bridge to the Corporation of London for 200,000 *l.*?—They have.

16. When will that offer expire; or is there no definite time?—There is no definite time.

17. I thought it was for a year?—They said at one time that it was to be within a year; the Corporation did not accept it, or decline it; they have offered to sell the bridge to the Corporation for 200,000 *l.*

18. There is a Bill passing through Parliament now, is there not, promoted by the Southwark Bridge people?—I believe there is; I have seen the Bill; it is a permissive Bill merely.

19. It would enable the Corporation to apply the

Mr. *F. Brand.*

22 May 1865.

the funds of the Bridge House Estates, or any other funds, to the purchase of that bridge?—I think not; the Corporation have taken no part in that Bill; they have not thought right to oppose it, because it was simply a permissive Bill empowering the Company to sell the bridge to any body who liked to buy it; it was not compulsory.

20. Would it not, under such a large power as that, enable the Corporation of London to buy it and apply any of their funds to that purpose if they so desired?—It would enable the Corporation to buy it out of their own funds if they thought fit, but I think not to apply the Trust Estates; but I have not looked at the Bill with sufficient attention with that view.

21. The accounts of the City of London are generally laid before Parliament, are they not?—No, not the general accounts; there are special accounts for particular funds that are laid before Parliament, not the general corporate accounts.

22. When the new street was making, were not attempts made to negotiate with the Southwark Bridge Company, but without success?—Which street?

23. Cannon street?—No, there were several attempts made to negotiate with the Southwark Bridge Company for the purchase of the bridge; one was made as far back as 1849.

24. Was that while Cannon-street was constructing?—Before it was constructed.

25. But when it was constructing was there not some attempt made to purchase the bridge, or to negotiate for the purchase of the bridge, and without success?—Not during the progress of the construction of that street; two or three attempts have been made, but I do not think they were in connection with Cannon-street.

26. I thought that they were made when Mr. Hall was chairman?—The Southwark Bridge Company applied to the Corporation of London to improve the approaches to their bridge at the corporate expense, which they declined. That was while they were making Cannon-street.

27. But no positive offer of negotiation was made to your knowledge?—Not at that time. Cannon-street was begun in 1847, and there were attempts to negotiate in 1849, and renewed in 1853.

28. Can you explain to the Committee by what process the expense of building London Bridge was paid for; out of the Bridge House Estates?—Yes. The Bridge House Estates are held in trust for the maintenance and support of London Bridge, therefore they were properly applicable to the building of the new bridge, supposing them to be sufficient for the purpose. When the Act passed for the new bridge, and the money was to be raised on the credit of the Bridge House Estates, the Government contributed in the first instance, 150,000 *l.* out of the Consolidated Fund; shortly afterwards it was thought advisable to increase the width of the bridge six feet. That was at the wish of the Government of the day, and it cost an increased expense of 42,000 *l.* That increased expense the Government also contributed out of the Consolidated Fund. The residue of the expense for building the bridge was paid by money raised on the credit of the Bridge House Estates, amounting to 431,000 *l.*, and the difference was made up out of the surplus rents and profits of the Bridge House Estates. The 431,000 *l.* was advanced by the Lords of the Treasuary upon terminable annuities for 40 years.

29. When will they terminate?—The money was raised at different periods, beginning in 1827, and ending in 1831, so that they will begin to fall in in 1867, and entirely expire in 1871. £. 21,550 is the annual amount of the annuities. £. 431,000 was the money advanced.

30. Is Blackfriars Bridge to be paid for in the same way by annuities?—No; that money is borrowed to be repaid with interest.

31. Borrowed upon debentures or bonds?—Upon bonds.

32. Would it not be much more convenient if that were also raised on annuities?—We could not get it.

33. How do you mean that you could not get it?—We could not raise it; people will not lend their money that way now.

34. Was application made to the Treasury?—I believe application was made to the Treasury, but it was not successful; the money has been raised by bonds, and lent by the Bank of England.

35. Is that for any long term?—For 10 years. We have borrowed the money with an arrangement to be repaid in 10 years. If we cannot pay it in that time we shall be obliged to raise it again.

36. I am only saying that it could be conveniently done by the Government advancing money upon annuities?—The Government of that day, and the public at large, were extremely anxious that the old London Bridge should be pulled down and removed; it was regarded more in the light of a national undertaking. The bridge was productive of great mischief to the navigation altogether, therefore the Government lent their assistance. The Bridge House Estates at that time were not so flourishing as they are now.

37. Has not the removal of London Bridge done a great deal to make Surrey populous?—I am hardly able to answer that question. I have not considered it.

38. Has there not been a great increase of population of the south of London since the removal of the old bridge?—There has been a great increase in the population north as well as south.

39. You do not live in the south of London?—No, I live on the north side, and where I live the population has increased tenfold within the last 20 years.

40. You do not know whether the City are likely to buy Southwark Bridge?—I do not think they are.

41. Are they likely to continue the arrangement with the Company to keep the bridge open?—I do not think they are.

42. Do you think at the end of the year we shall have toll gates on again?—That will depend entirely upon whether Parliament makes any provision, or the Company choose to try it themselves; the Corporation do not feel themselves called upon, they think they have done enough for one year. That is my present impression; I am not speaking from authority.

43. You say you think that at the end of the year you will have the tollgates on again?—Of course I am speaking my private opinion from what I see and hear going on. I have no reason to believe that the Corporation of London will negotiate for the purchase of Southwark Bridge. There seems to be a general impression that the

the price asked is far beyond what the value of it is.

44. Or continue an arrangement similar to that which you have this year, paying a sum of money for having the bridge opened?—No, there is a great division of opinion as to the propriety of that.

45. Mr. *Jackson.*] You have told the Committee that London Bridge and Blackfriars Bridge have been built with the assistance of the Government, and kept in order by the Bridge House Estates?—Not with the assistance of the Government, the Government merely advanced the money for the London Bridge. The Government do not contribute in anyway towards Blackfriars.

46. I thought you said that to the extent of 192,000 *l.* the Government aided the Bridge House Estates in building those two bridges?—London Bridge only.

47. Can you inform the Committee of what the Bridge House Estates consists?—I have taken the average for the last three years, 1862, 1863, and 1864.

48. Will you give each separately?—In 1862, the amount was 38,290 *l.*; in 1863, 38,469 *l.*; and in 1864, 40,058 *l.*

49. Do you consider that the property is increasing in value?—It will, I think.

50. And with that increase there will be an increase of rental?—Of course; it will take a little time, and we must know when the railways have done with us. Of course while the railways are taking large slices of the property, we get the money put into the funds, converted into 3 per Cents., instead of houses, so that we do not get paid so well; notwithstanding that, I think the property will increase.

51. Notwithstanding the railways have interfered for a time with the income, it has increased between 1862 and 1864, about 800 *l.*?—The average rental for the three years is 38,939 *l.*, which, for the purposes of calculation, I have taken in round numbers at 39,000 *l.*

52. How many years' purchase do you consider that incomeworth?—That is a difficult question, because the property varies so much in its character. The length in the term of the leases varies; some are ground rents, some rack rents, and some of a different character. I should not like to give an opinion.

53. Do you think that 20 years' purchase would be too much?—No, I should not.

54. Then the value of the Bridge House Estate applicable to the repairs of these two bridges has increased in two years to the extent of about 16,000 *l.*?—About that.

55. And in your opinion it is still increasing in value?—I think so.

56. Who are the trustees?—The Mayor, and Commonalty, and Citizens of the City of London, in their corporate character.

57. How much of the last year's income was expended in the repair of the bridge?—The repairs of London Bridge are now next to nothing; but I can give you the average for three years of the current expenses of the bridge. I had better give the two bridges separately, if you will allow me, because London Bridge is a bridge which is entirely chargeable upon the Bridge House Estates. The other is chargeable, at the instance of the Corporation, by the authority of Parliament. The funds of the Bridge House Estates are primarily applicable to London Bridge only. There are certain charges, rents, taxes and payments, in respect of London Bridge, which, upon the average of three years, amount to 5,500 *l.* per annum. Then there is the repaving of the bridge, which used not to occur more than once in nine years, but latterly, since the alteration in the mode of traffic, we have found the wear and tear so great, by keeping the heavy traffic in one particular direction, that it is found necessary to repave it more frequently. It is going to be done this summer; that will be after an interval of six years. The expense of that has generally been about 3,000 *l.* Spreading that over six years, it will give about 500 *l.* a year; that makes 6,000 *l.* a year.

58. What becomes of the surplus?—Then there is the watching, lighting, cleansing, repairing, and so forth, of Blackfriars Bridge.

59. You had better keep to London Bridge?—But the repair of Blackfriars Bridge is thrown upon us.

60. Can you not keep to London Bridge, and give Blackfriars afterwards, because, I understand London Bridge has a primary charge upon this fund?—Yes; but, since the Act has passed for rebuilding Blackfriars Bridge, all the expenses of lighting, watching, cleansing and repairing Blackfriars Bridge, are charged upon the Bridge House Fund, so that the two are mixed up together; and, in order to ascertain the exact amount of the Bridge House surplus, you must take the expenses of Blackfriars Bridge into consideration.

61. If you take that separately, and then add them together, we shall know what the total charge is upon the income?—Then the amount is 6,000 *l.*, and that would have to be taken off the 39,000 *l.*

62. £. 40,000, is it not?—£. 39,000 *l.*, is the average.

63. But if you take last year, it is 40,058 *l.*?—I have calculated upon an average of three years.

64. Then take it in that way, 6,000 *l.* off 39,000 *l.*?—That would leave 33,000 *l.* Then taking the 21,550 *l.*, the total amount of annuities payable upon the money raised for London Bridge, it would leave about 11,000 *l.*

65. Can you tell us what amount expires in 1867?—No, I cannot.

66. You can inquire?—I shall be able to get it at any time.

67. Will you prepare a statement showing when the whole expires?—Yes. I was only aware on Saturday what information the Committee would require.

68. Now, what becomes of the 11,000 *l.* surplus?—There is the expense of lighting, watching, repairing, cleansing, and watering Blackfriars Bridge; that amounts to about 800 *l.* a year upon the average. Then there is the interest payable on the monies borrowed for the substantial repair of the Blackfriars Bridge, under the Act of 1833, 1,887 *l.*; 77,400 *l.* was raised originally, and of that there is now only 46,100 *l.* due. That reduces the amount to 8,700 *l.*, which is the surplus applicable to the payment of interest on the 300,000 *l.* raised for the building of the new Blackfriars Bridge.

69. Sir *Baldwin Leighton.*] What are you doing with it?—We are spending it as fast as we can. The works are going on; there is a temporary bridge to begin with, and we have paid 38,000 *l.* for that.

Mr. *F. Brand.*

22 May 1865.

70. Mr. *Jackson.*] Then out of the Bridge House Estate you have funds enough to pay the charges upon London Bridge and upon the Blackfriars, the interest upon the money borrowed for the completion of the new bridge, and the interest upon the capital unpaid, also on the annuities raised upon London Bridge?—No; there is a deficiency of 5,000 *l.* a year. The interest on 300,000 *l.* is 13,500 *l.* a year.

71. Then you are short by 5,000 *l.* a year?—£. 4,737 is the amount.

72. *Chairman.*] You have raised 300,000 *l.* towards paying for the new bridge?—Yes.

73. Mr. *Jackson.*] From what source do you supply this deficiency?—Out of the corporate funds. The Bank would not advance the money unless the Corporation joined in the security, upon their own estates as well as the Bridge House Estates.

74. Then the Corporation will be *minus* 4,700 *l.* a year?—It will be recouped ultimately; they have advanced it at present.

75. The Committee must understand that there is a gross sum of 431,000 *l.* raised for the London Bridge, which will expire in 1867, and 1871, and also a sum of 46,100 *l.* due upon Blackfriars?—Yes, and 300,000 *l.* besides; but I may inform the Committee that that 300,000 *l.* will not be enough; we shall be obliged to apply to Parliament to raise a further sum. The estimate for the new Blackfriars Bridge was 245,000 *l.*; the temporary bridge has cost 38,000 *l.*, and the lowest tender we could get for the new bridge was 269,000 *l.*

76. At the expiration of 1871, when these annuities cease, there will be a gross debt of 346,000 *l.* under the existing Parliamentary powers?—Precisely.

77. Then there will be, applicable to that, an income of 21,550 *l.*, *minus* 4,700 *l.*, the present deficiency; there will be that amount of surplus income?—Not quite; because you have not deducted the current expenses of Blackfriars.

78. I have taken 800 *l.* a year off for that?—I thought you had not.

79. At the expiration of these annuities in 1871, what surplus income will you have?—The whole 21,550 *l.* will then fall in, and we shall then have 13,500 *l.* interest to provide for, and, of course, to make a sinking fund to pay off the principal.

80. Has the money been raised upon bonds, or are there any periods of time stated when they will be paid off?—Ten years.

81. Then that will not be long enough?—I do not think it will.

82. Have you made any estimate when the old debt will be paid off from the income derivable from the Bridge House Estate?—I have not; I am not the financial officer of the Corporation; therefore it is not in my department. I have not given attention to it.

83. The Committee would like to know from the financial officer when it is probable that the whole debt of the two bodies will be discharged, so as to leave the income of the Bridge House Estate free; you say that the sum now proposed for Blackfriars Bridge will not be sufficient?—It will not.

84. How much more will be wanted?—£. 38,000, and 269,000 *l.* brings it already, without any extras or contingencies, to 307,000 *l.*, and the amount authorised to be raised by the Bill is only 300,000 *l.* We calculate that about 350,000 *l.* will be required.

85. There will come a time when the Bridge House Estate will be set free, except for the repair of the two bridges?—Yes.

86. Sir *William Jolliffe.*] The statement you have made leaves an impression upon my mind, at all events, at present, that the debt upon the Bridge House Estate is increasing to the City of London at the rate of 4,700 *l.* a year?—Yes.

87. Mr. *Jackson.*] Unless the estate of the Bridge House increases its annual income?—Still the debt will increase.

88. Taking the income upon the average of three years?—Yes.

89. Sir *Baldwin Leighton.*] Have you included the interest upon this 300,000 *l.*?—I have deducted the 13,500 *l.*; that is what makes the deficiency.

90. You have borrowed 300,000 *l.* and spent 38,000 *l.*?—We are paying the contractors as we go on; we have paid 38,000 *l.* for the temporary bridge.

91. You have 250,000 *l.*?—Yes; that is invested, and goes to credit.

92. Is that included in the 40,000 *l.* income for the last year?—No; that is a separate account. The new Blackfriars Bridge Fund will get credit for all interest received on money that is not used.

93. It is borrowed at 4½ per cent.?—Yes.

94. To be repayable at any time?—Ten years.

95. Certain?—Yes.

96. Both parties are bound?—Yes; the Bank would not lend for less nor more.

97. Mr. *Ayrton.*] How many tenants are there in the Bridge House Estate?—I cannot state; I think there are about six or seven hundred; I cannot state positively; that would give you no criterion, because there may be one person holding 20 or 30 houses.

98. How many tenants hold from the Corporation direct?—Six or seven hundred, I think; I should not like to speak positively.

99. Are they all upon lease?—Mostly; the practice is to let upon lease, unless there are some very particular reasons for the contrary. At present there are some let on yearly tenancies, but that is because improvements are expected in the neighbourhood, therefore, the Corporation do not wish to let them on lease at present.

100. How many of those separate tenancies comprise entire streets; or are there any whole streets let by the Corporation?—Where there are ground leases. There are some which will expire in ten years' time. I think there are one or two streets; they were let many years ago on building leases. The practice is not to let in large blocks.

101. Have you a list of the tenants, showing the rent and the premises they hold?—Yes, there is a rental of the Bridge House Estate.

102. *Chairman.*] Will there be any difficulty in giving to the Committee the names of the lettings?—Of course it would be attended with some trouble. There is a rental of the estates; but it is not usual to publish rentals. They may be made available against you by tenants to get the property at rents less than their value. It would not be judicious to put the rental of any estate in the way of the public, because the surveyors all over the metropolis would get hold of it in treating with your property, and dealing with you hereafter.

103. What does the rent roll contain?—The name of the tenant, the name of the lessee, the description of the property, the term, and the rent.

104. *Chairman.*] Where does the property chiefly lie?—A large portion of it in St. George's Fields, which is now built over. That is the part that was purchased from Edward VI. Then there is some in different parts of the City of London; some at Stratford, in Essex; and there is some also at Lewisham, in Kent.

105. What is the proportion of the City property, large or small?—Pretty fair, I should think.

106. Can you tell us about the amount of the City rental?—I should think the City rental would amount to about a fifth of the whole, rather more, I think.

107. Which is the chief part, Newgate-street?—There is some in Newgate-street, nearly one side of Newgate-street, and several houses on the other side.

108. Has that been recently let?—Newgate-street, on the north side, some portion of it has been recently let on building leases. With regard to the houses on the south side, they have been let on yearly tenancies as the leases have fallen in, because of the progress of the new market there. The Committee will not let the property on long leases, not knowing what the value may be when the old market is removed, and the new market built; as the leases fall in, they only let them on yearly tenancies.

109. Mr. *Jackson.*] What is the longest period you let for?—On building leases, 80 years. It used to be 61 years; but it was found that the practice in letting building ground, generally speaking, was to grant a longer period, and that you got a better class of buildings for 80 years, and the Corporation adopted that plan; that is longest.

110. Can you form any idea what is the average time a property is let for now?—It is impossible to form an average; when the building leases fall in, they only let them for 21 years. It is only building ground that is let for 61 or 80 years.

111. The houses belonging to this trust are never let beyond 21 years?—Not actual houses. As they fall in they are let to the occupying tenant, not to other parties. There are no middle men.

112. Mr. *Ayrton.*] When you make improvements in London, and take property belonging to the Bridge House Estate, how do you adjust the value?—The money is assessed by a jury, and paid out of the improvement fund into the Bank under the Lands Clauses Act, to be laid out in the purchase of other property to be held on the same trust.

113. Mr. *Jackson.*] You deal with this property the same if it were a railway company seeking it, and not the Corporation?—Precisely.

114. Sir *Baldwin Leighton.*] Do you not make a profit?—No.

115. Not from compulsory sale?—No; they get the full value. If a portion of the Bridge House Estate is required for city improvements, the full value is assessed by a jury in the same way as if it was taken by a railway company, and the amount is paid into the Bank of England under the Lands Clauses Act, and laid out again in the purchase of other property.

116. I thought that railways always gave more than the full value on account of compulsory sale?—So we should get it; the Bridge House Estate is treated the same as the others.

117. Then you make a profit in the re-investing?—Yes; we get the highest price we can when the property is required.

118. Mr. *Jackson.*] When a tenant's lease expires at the end of 21 years, what steps do you take to ascertain its value before you renew that lease?—We renew to the occupying tenant, not the lessees; the object of the Corporation is to get the fullest value. The first step is for the Committee who have the management and letting of the estates, to go and look at the property themselves; they are all men of business; and understand the value of property in the city of London. They go and look at it, and then direct the city surveyor to survey it, and he reports his opinion as to the mode in which it should be let, whether there are any repairs, or anything to be done, and the term for which it should be let. He then gives the Committee his opinion as to what the rent ought to be. Sometimes the Committee adopt his opinion, sometimes they do not, sometimes they require more.

119. There is no valuer beyond the City valuer?—No.

120. Does he value for the Corporation generally?—Yes.

121. The principal part of the property producing this income is leased not longer than 21 years?—There are some portions, those that are about to expire, let on long leases. In the case of property of this sort, held for so many years, the houses become sometimes unfit to let again on repairing leases, and they are pulled down and the property is let on building leases. In some cases we have as much for the ground-rent as we had before for the rack-rent.

122. *Chairman.*] You hold a considerable amount of ground-rents now?—Yes.

123. Mr. *Jackson.*] What proportion of your 40,000 *l.* income is derivable from ground-rents?—I cannot answer that question without going minutely into every individual case. The property in St. George's Fields yields about 9,000 *l.* a year. That was on 61 years' leases before the period when the time was extended to 80 years. That is a large portion, and it will increase very much, but the London, Chatham and Dover Railway Company have carved out some of the best part of it.

124. They pay in proportion?—Yes.

125. Therefore, the trust does not suffer?—Well, we do suffer. I never find that we can re-invest at anything like the advantage we had before the property was taken.

126. *Chairman.*] When will the property in St. George's Fields probably fall in?—The leases were granted about 1824 and for some time after that. I do not think it was all covered until 1830. They were 61 years' leases, all of them.

127. Then they will fall in in about 20 years?—Some of them.

128. There were some ground-rents in Southwark; in Wellington-street, I believe?—No, only one or two that the Committee bought. That property was purchased, but then it was taken again by the Charing Cross Railway; Wellington-street did not belong to the Bridge House Estates at all; the houses there were purchased under the Act of Parliament for improving the approaches to London Bridge, where the Corporation

Mr. *F. Brand.*

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poration acted in the capacity of Commissioners for carrying that Act into execution. They sold the ground-rents then to the highest bidder.

129. Sir *William Jolliffe.*] You say that the property is a good deal scattered; do you keep the accounts of those estates separately, or are they all kept in one great account?—There is an account of each estate. They are kept under different heads. We have one head which is called "proper rents," that is, rents in the City of London. Then there is another division of rents, which is called "Peckham in the Lock." That includes Kent-road and Kent-street, and Bricklayer's Arms, about that neighbourhood.

130. That is considered a separate estate?—No; that is all one estate.

131. But it is a different division?—Yes; they have always been so in the rentals.

132. Then the Stratford Estate is kept separate?—It is merely for convenience; St. George's Fields is under a different head also.

133. Have you separate receivers?—No; the whole of the rents are received by the Chamberlain of the City of London.

134. *Chairman.*] Would there be any difficulty in giving to this Committee, at an early period, the rental of the estates under the different heads you speak of?—Not the slightest, under these general headings; but I think there would be an objection to giving the details for the reasons I have mentioned; the Corporation objected even to circulate them amongst themselves.

135. But it can be done quickly under the various heads; "the proper rents," "the Stratford Estate," "St. George's Fields," and so forth?—There will not be the slightest difficulty in that; we wish to give you every information we can.

136. Lord *John Manners.*] The first charge on the Bridge House Estate is London Bridge?—Yes.

137. And then Blackfriars?—Yes; for what was called, or thought to be at the time, the substantial repair of Blackfriars Bridge.

138. We understand that the expense of those charges altogether occasion a deficiency in the Bridge House Estate Funds?—Yes; about 4,700 *l.* a year.

139. That will cease about 1870?—In 1867 the payments of the annuities will commence decreasing.

140. And will the deficiency be changed into a surplus?—Yes.

141. Are there any other charges fixed by Act of Parliament, or otherwise, upon the Bridge House Estate funds?—Not any.

Mr. George Powell, called in; and Examined.

Mr. *G. Powell.*

142. *Chairman.*] What is your profession?—I am the Chief Clerk and Surveyor of the Waterloo Bridge.

143. How many years have you been connected with Waterloo Bridge?—Sixty years, next February.

144. Then you knew the site of the Waterloo Bridge before there was a bridge there?—Yes; I proved the allegations of the petition before both Houses of Parliament in 1807, and I have seen the foundations of every bridge that has been built over the Thames from that period up to the present time. I was at the laying of the first stone and the opening of each of them, and I have watched their progress. I know how the foundations are put in of every bridge on the river.

145. You got up the traffic tables for a Committee in Parliament?—Yes, in 1811 I superintended that.

146. Did you make out that there was to be a large traffic over the bridge?—Yes, we did; that plan has been carried out from that period to the present time.

147. I suppose you expected the bridge to pay the promoters?—No doubt.

148. You showed that by the traffic?—We showed that by the traffic of the existing bridges. We took Blakfriars and Westminster.

149. How is it that it has not paid according to your sanguine expectations?—Well, because it has not been used.

150. Why has it not been used?—Because it was a toll bridge.

151. Mr. *Jackson.*] That was fatal to it?—No doubt.

152. *Chairman.*] People would not go over a toll bridge?—No, they would not pay; the toll used to be a penny; then a labouring man said, "it will cost me 2 *d.* to go backwards and forwards, and I can buy a pint of beer for 2 *d.*" He preferred having the beer to paying the toll.

153. And you are greatly disappointed at the result?—Yes.

154. The traffic has lately increased a good deal?—Very much indeed, particularly since the opening of the Waterloo Station.

155. The opening of the Waterloo Station has greatly influenced the taking of the bridge?—It has.

156. Well, and has not the increase of the population and houses in that district also greatly helped the traffic?—No doubt.

157. When the bridge was projected, I suppose there were no houses there on the Southwark side?—None on the south side, not a single house; there was Beaufoy & James' vinegar manufactory, and Hawse's soap works; they were the only works there and they were taken away to make the approaches to the bridge on the south side.

158. The district was comparatively uninhabited?—Quite; and it has now become almost a rival town by the planting of that bridge.

159. The planting of the bridge has done some good?—All the good to the Surrey side; I expect it would have remained as it was then, a marsh, or a market garden, low marsh ground.

160. Have you now the returns of the present take of the bridge?—Yes; I may say that, on the 23d May 1854, I gave evidence before Mr. Oliveira's Committee, and upon reference to the evidence you will find the particulars of the money raised and the cost of the undertaking.

161. What did the bridge cost; is it not the fact that upon the first 500,000 *l.* raised to build the bridge the proprietors have received no dividend whatever?—They have not since the opening.

162. From the proceeds of the bridge they have never received a farthing?—No.

163. That 500,000 *l.* is entirely sunk?—Yes.

164. Then there was a subsequent amount raised

raised to go on with the bridge?—Yes; the total amount raised was 1,054,552 *l.*

165. Do you know what the receipts were in the year 1854, when you gave evidence before the Committee?—Yes, I gave in a statement at that time; the bridge was opened in 1817; I gave the return of the horse-toll, the foot-toll, the annual amount and the dividend paid from that period up to February 1854. You will find there that anything affecting the tolls is marked; for instance, the repairing of Fleet-street, which threw a great deal of traffic over the bridge; then there was the coronation; then there was Westminster Bridge closed for a certain period; Hungerford Bridge opened at a certain period; Westminster closed again; station opened at Waterloo-road 11th July 1848.

166. From the Report of the Committee in 1854, I think it appears that during the hours between 10 and six, 6,234 persons went over the bridge; I do not know whether that was your evidence?—I did not give that evidence.

167. Have you any evidence of your own as to the number of persons that used the bridge in 1854?—I have not. I can give you the number of foot passengers in every year. I have the number crossing the bridge for 10 years, from 1856 to 1865.

168. Have you the number in 1854?—I have not the number for 1854.

169. What year do you begin with?—1856.

170. What was the total number of foot passengers in 1856?—4,916,268.

171. Both ways?—The total number of foot passengers.

172. Both ways, going and coming?—Yes.

173. Have you the number of foot passengers last year, 1864?—In 1864 the number was 5,248,258.

174. In the course of these years there has been so little increase in the traffic?—That is the fact.

175. Mr. *Jackson.*] Did you put in the tabular statement in this blue book?—Yes.

176. Can you continue the statement from that time to the end of 1864?—Yes. I have here a statement of the revenue from 1853 to 1865. Horse-toll so much, foot-toll so much, and then the total tolls. Then we have the revenue derived from the rent of arch vaults. The total income of 1853 was 19,206 *l.* 8 *s.* 4 *d.* In 1854, 20,359 *l.* 12 *s.* 9 *d.*; in 1860, 22,100 *l.* 17 *s.* 9 *d.*; and in 1864, 23,177 *l.* 9 *s.* 11 *d.*

177. *Chairman.*] It appears, from what you stated just now, that there was but a slight increase of foot passengers between 1856 and 1864. The increase, I presume, is chiefly upon carriage traffic?—No, the carriage traffic has greatly increased, but it is about the same rate as the foot passengers.

178. Mr. *Jackson.*] The increase has been *pro ratâ*?—Yes.

179. Now will you give us the nett revenue for 1854?—The nett revenue was 19,197 *l.* 11 *s.*

180. And in 1860?—£. 20,955. 14 *s.* 1 *d.*

181. And in 1864?—£. 21,969. 15 *s.* 6 *d.*

182. *Chairman.*] The revenue, then, is about 23,000 *l.* a year now?—Yes, in round numbers; but I have not deducted the expenses. I will give you the last balance made up to the 23d February last. The tolls received for that period were 21,391 *l.*; the rent of the arch vaults was 764 *l.* 15 *s.* Received from London Gas Company, for the privilege of laying down their pipes over the bridge, 150 *l.* The Electric Telegraph Company for the same, 25 *l.* Then there is interest upon Three per Cent. Reduced, that is on account of 2,388 *l.* for a lease of the arch vaults; some of the arch vaults on the Surrey side. The Act of Parliament provided that any money received for the leases of these vaults was to be invested. The amount was invested in Reduced Three per Cents. producing 71 *l.* 12 *s.* 10 *d.* Then we have interest upon Exchequer Bills, 207 *l.* 8 *s.* 9 *d.*; India Bonds, 56 *l.* 7 *s.* 3 *d.*; contributions for watering, 20 *l.*; making a total of 22,686 *l.* 4 *s.* 10 *d.* Then we have expenditure: wages of tollmen, 977 *l.* 18 *s.*; lighting, watering, and carting, 309 *l.* 6 *s.*; repairs of roads, including materials, 384 *l.* 17 *s.* 2 *d.*; repairing indicators, 20 *l.*; rent and taxes, 162 *l.* 14 *s.*; remuneration to the directors and auditors, 210 *l.*; salaries, 610 *l.* Sundries: printing, books, stationery, &c., 94 *l.* 19 *s.* A total expenditure of 2,769 *l.* 14 *s.* 2 *d.*, to which is to be added income duty, 505 *l.* 5 *s.* 6 *d.*; land-tax, 328 *l.* 2 *s.* 6 *d.*; making a total expenditure of 3,603 *l.* 2 *s.* 2 *d.*, leaving a balance available for dividend of 19,083 *l.* 2 *s.* 8 *d.*

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183. Lord *John Manners.*] Is that for 1864?—To February 1865. Up to the last period that the accounts were made up. They were made up to the 23d February and the 23d August.

184. Am I right in taking it that your income for 1864 was 23,177 *l.*?—Yes, 23,177 *l.* 9 *s.* 11 *d.*

185. Then it shows a decrease?—Yes.

186. *Chairman.*] Was it an exceptional year?—London was very full the year before that, when the toll was 24,000 *l.*

187. Mr. *Jackson.*] When the junction takes place between Waterloo Station and Blackfriars Station, will not that diminish the traffic?—I think very little indeed. The pleasure traffic is the great traffic upon the South Western, to Richmond, Windsor, and those places.

188. If the South Western were to run into the Charing Cross Station, it would make a great difference, would it not?—Well, we must always command a great traffic at that bridge; we are in direct communication with the London and North Western Railway; with the Inns of Court, Russell-square, and that direction; persons going there must all go out of their way unless they go over Waterloo Bridge.

189. From your experience, has the traffic increased in proportion to the increase of population on the Surrey side?—I should say that it had.

190. Then there being a toll upon it has not affected the traffic that went over it?—I think it would have been considerably more if we had no toll; there is no question about that.

191. You think if there had been no toll upon the bridge it would not only have improved the property immediately adjacent to the bridge, upon the Surrey side, but all the property to the back of that?—No doubt upon it; there cannot be a question about it.

192. And the benefit to the county of Surrey would be great as regards the value of property?—It will increase the value of property to a great extent.

193. Do you think that the toll has prevented people going to reside on that side?—To a certain extent it has. The toll is very low. The carriage toll is very low indeed. Any one walking over the bridge would suppose that there was a greater revenue derived from the traffic than there

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there really is. For instance, waggons and carts returning empty, only pay half-toll. Then we charge 2*d.* for one horse, irrespective of what it is drawing, whether it is a carriage or a van, and 1*d.* for each additional horse; we also allow cabs to return empty at 1*d.*, and heavy traffic at half-price.

194. Mr. *Jackson.*] Do you not think when the Cannon-street Station is made, and Blackfriars Station opened, as well as Charing Cross, a great many passengers will go by rail instead of crossing the bridges?—Many will, no doubt.

195. Therefore, there will only be direct traffic to the railways, north and north-west, that would permanently use the bridge?—Yes.

196. You do not see any prospect before you of any great increase in the traffic?—I think there will be great increase upon the South Western Railway; they are opening extensions everywhere.

197. Supposing they go to Blackfriars, Cannon-street, and Charing Cross?—I think, still, that would be compensated by the additional traffic from the South Western Station.

198. Then you say you will neither gain nor lose by it, but remain as you are?—That is all problematical; quite a matter of opinion.

199. You have no hesitation in saying that if the bridge was free of tolls, there would be a much larger traffic over it?—No doubt about it.

200. And that the property on the Surrey side would be materially advantaged and increased in value?—I think it would.

201. Sir *Wm. Jolliffe.*] Have you considered what the effect would be upon your traffic of the pulling down of all those houses which are about to be pulled down, or supposed to be, for the creation of the new law courts?—I do not think that will affect us: we lie too far west. In that district many would use Blackfriars Bridge; they prefer using a free bridge. Unfortunately, Waterloo was planted between two free bridges.

202. Have you had any heavy repairs to the bridge?—The repairs are perfectly insignificant; I have just been painting the wood and iron work; that is the principal, and it is done once in three or four years. The repairs of the bridge do not amount to 5*l.* a year.

203. Mr. *Jackson.*] Have you a statement showing the total cost of the bridge and how the money was raised?—I have a statement here of the cost of the north approach to the bridge.

204. Have you the expenditure divided into several items; you say that there was first 500,000*l.* raised which does not pay a penny, what was the second amount?—£. 300,000 annuities, and afterwards 200,000*l.*

205. When do they expire?—They never will expire, they are in perpetuity; the arrears of the annuities already amount to upwards of 3,000,000*l.* made up to the last audit. The amount of arrears due to the annuitants is 3,077,125*l.* We ought to pay the annuitants 75,000*l.* per annum; that is the interest for which their annuities are granted. The amount is 500,000*l.* at 7½ per cent., but instead of paying that 75,000*l.*, we only pay in round numbers 20,000*l.*, and thus the arrears arise; they date from the period of the opening of the bridge, and the amount is easily calculated.

206. *Chairman.*] Is it compound interest?—No; according to the conditions of the annuities they are granted for 99 years, subject to this proviso, that all arrears must be paid before the annuities cease, so that the annuitants are in the position of mortgagees, the shareholders being the mortgagors, who borrowed to complete the bridge 500,000*l.* at the rate of 7½ per cent.

207. Mr. *Jackson.*] What capital do you pay dividend upon?—Upon the annuities, and bonds to the amount of 54,000*l.* at 5 per cent., and they have a priority.

208. Fifty-four thousand pounds; that is the first charge?—Yes.

209. The second charge is upon the annuities?—Yes.

210. The third charge would be upon shares, and they get nil?—They get nil.

211. Mr. *Tite.*] Have you any anxiety about the foundation of your bridge?—Not the slightest; any more than I have of the Rock of Gibraltar.

212. When the Thames embankment is made, and the current very much confined, of course naturally, deepening the channel, what is the reason that induces you to believe the foundations of your bridges will be like the Rock of Gibraltar?—Merely because I have taken care of them. I have placed thousands of tons of Kentish rag-stone round the piers of the bridge, and no washing that takes place can affect them.

213. Are you aware that that was done to a great extent, under very skilful management, at Blackfriars Bridge, and that it failed altogether?—Yes, I am watching mine; I have nothing to do with Blackfriars Bridge; I am watching Waterloo Bridge.

214. If you take the same precautions that they did, and if in their case they failed, what reason have you for believing that when the tide scours to the extent it must do when the embankment is finished on both sides, the same ill consequences will not follow?—For this reason: the foundations of Blackfriars Bridge were very different from those of Waterloo. That one was built in caissons, and the other in coffer-dams. The foundations of Waterloo Bridge are all built upon piles driven into the bed of the river to a depth of 18 feet; upon these piles, longitudinal and transverse sleepers were spiked, between the sleepers Kentish rag with cement, and upon that a flooring, and the masonry is put down eight feet below low water mark. Nothing can ever affect the foundations of this bridge, unless it be an earthquake; that might shake it.

215. You are wrong, I think, with regard to Blackfriars Bridge being built in caissons; Westminster Bridge was, but Blackfriars was piled; and I suggest this: supposing, notwithstanding what you say that the piling was done in the most skilful way, and sleepers laid on the heads of the piles, and stonework laid upon those sleepers and flooring, still, if the super-stratum through which those piles are driven is washed away, the pier of the bridge will then stand on the piles; must it not naturally be so?—I cannot contemplate how it can be washed away.

216. Could you imagine such a thing could happen at Blackfriars Bridge till you saw it?—Yes, I could.

217. For the reasons you have stated, you think that, with the precautions you have taken, this cannot happen to you?—I think it cannot; it is utterly impossible.

218. You said that the original half million has not had any interest since the opening of the bridge; were the shareholders paid previously to the

the opening of the bridge?—Yes, they received 5 per cent.

219. Out of capital?—Paid out of capital, and that forms part of that sum.

220. How much did that amount to?—It amounted, I think, to about 70,000 *l.*

221. An important item?—No doubt.

222. *Chairman.*] That was for two or three years, I think?—The bridge was opened in 1817; the money was raised at different periods, commencing in 1809 and 1810.

223. What was the rate of interest?—Five per cent.

224. Mr. *Tite.*] Is there any engineer to the bridge?—Only myself.

225. Are you an engineer?—Well, I am a surveyor; I do not affect to be an engineer.

226. My object is to know whether there is any scientific evidence in support of your notion of the absolute security of the piers of that bridge under changed circumstances?—I have seen the foundation laid of every bridge built upon the river within the last 60 years.

227. How much stone have you thrown in round the piers of the bridge, in round figures?—Very many thousands of tons.

228. What stone is it?—Kentish rag. At low water it is like a rock; anyone walking over the bridge at low water would see what has been done, because there are two or three arches at low water quite exposed, so that it is quite obvious. The same thing has been done under the others.

229. *Chairman.*] When was the last time?—I have had no occasion to do it for some years; I frequently take soundings, and no washing has taken place for many years; I do not think it possible that anything can ever disturb the foundations; I cannot dream of it.

230. Mr. *Tite.*] Did you take this precaution at the time when the state of Blackfriars Bridge became dangerous, obviously dangerous?—Yes; and before that, I found that some washing had taken place. There is only one arch at Waterloo navigable at low water, the second arch from the Middlesex side. At the first arch, the City of London some years ago set a dredging barge to work, and they got into some good stuff, and worked away, then a washing took place.

231. The first arch will be obliterated by the Thames embankment?—It will.

232. Therefore, against that pier the tide must run with considerable violence against the second pier?—That will depend; I do not think it will. If you notice the way in which they are putting in the coffer dam, they are bringing it with a sweep. There may be a little more washing; it will be narrower, but the tide sets regularly through all the arches of the bridge.

233. Mr. *Jackson.*] Can you furnish the Committee with a statement of the capital now raised, with the amount of the arrears, being a continuation of the statement that you gave to the Committee in 1854?—Yes.

234. Also a continuation of the statement you put in in 1854, of the receipts and expenses, the nett revenue, and how divided?—Yes.

235. *Chairman.*] On London Bridge they are going to take the traffic; could you conveniently take the traffic now passing over Waterloo Bridge on some two days in a week, and furnish the Committee with the result at their next meeting?—We have the number of foot passengers indicated, there would only be the carriages to take.

236. Sir *William Jolliffe.*] The toll gives the daily traffic?—It does.

237. *Chairman.*] You do not separate horses and carriages, and the light traffic from the heavy traffic, cabs from omnibuses, and so on?—That would be rather difficult. The difficulty would arise with the cabs, whether they paid 2 *d.* or 1 *d.*

238. You might, for the information of the Committee, get the numbers?—Yes; no doubt.

239. Sir *William Jolliffe.*] What amount of your income is derivable from other sources than tolls?—I can give you the figures. In 1853 the tolls amounted to 18,088 *l.* 17 *s.* 1 *d.*

240. *Chairman.*] Take 1863?—The tolls then amounted to 23,128 *l.* 12 *s.* 8 *d.*, and the amount from other sources, 11,081 *l.*

241. In 1864 the amount was nearly 2,000 *l.* less?—In 1864 it was about 1,000 *l.* less, and the amount from other sources was 1,207 *l.* 14 *s.* 5 *d.*; in 1845, up to February, the amount of tolls was 21,391 *l.* 1 *s.*, and 1,295 *l.* 3 *s.* 10 *d.* from other sources, making a total of 22,686 *l.* 4 *s.* 10 *d.* (*The Witness put in the yearly account of revenue from* 1853 *to* 1865.—Vide *Appendix.*)

242. Sir *William Jolliffe.*] Is any of your income derivable from house rent?—None.

243. Chiefly from the arches?—From the letting of the arches.

244. On both sides of the river?—On both sides.

245. *Chairman.*] You have no house property whatever?—None.

246. No estate of any kind?—Nothing but the arches. We were prohibited from taking any land for building purposes, and the surplus land was sold. We pay rent for our own office.

Jovis, 25° die Maii, 1865.

MEMBERS PRESENT:

Mr. Ayrton.
Mr. Cowper.
Mr. Hanbury.
Mr. Jackson.
Sir William Jolliffe.
Mr. Locke King.
Mr. Leader.
Sir Baldwin Leighton.
Mr. Liddell.
Lord John Manners.
Mr. Alderman Salomons.
Sir John Shelley.
Mr. Stanhope.
Mr. Tite.
Mr. Charles Turner.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. ALFRED AUSTIN called in; and Examined.

Mr. *A. Austin.*
25 May 1865.

247. *Chairman.*] WHAT is your position?—Secretary to the Commissioners of Public Works and Buildings.

248. You come here in obedience to a request of the Committee?—Yes.

249. You were asked for the accounts of the Westminster Bridge?—I was asked for a statement of the Westminster Bridge Estate, and I have prepared that statement. It shows, with reference to the property transferred to the Commissioners of Her Majesty's Works and Public Buildings, under the 16 & 17 Vict. c. 46, the Act under which the new bridge was built, that the valuation of the property, according to Mr. Hardwick's report, was 172,571 *l.*

250. Mr. *Jackson.*] Was that in 1846?—In 1853; in 1855-6 and 1856-7 portions of that property were sold by public auction, and fetched 60,120 *l.* In 1858-9 the rest of the property was sold to the Government, the Consolidated Fund, for 111,429 *l.* In that year the residue of the property being sold to the Government, the Commissioners of Her Majesty's Works and Public Buildings ceased to hold any of it; but up to that time they received for rents 22,522 *l.* They have received, therefore, for the whole property, 194,078 *l.* There is no longer any property in the possession of the Commissioners of Her Majesty's Works and Public Buildings which can be called the Westminster Bridge Estate. There is no such estate, indeed.

251. There is no other property left?—No other property. The Committee asked me for an account of the Westminster Bridge Estate, and I have taken "estate" to mean houses and property of that description; but there was also some other property, which I will state to the Committee. At the time of the transfer of the property from the Westminster Bridge Commissioners to the Commissioners of Works there was an amount of Consols 35,529 *l.* 7 *s.* 5 *d.*; and there was also in the hands of the treasurer of the late Commissioners 4,215 *l.* 10 *s.* 3 *d.* The Commissioners of Works received from the sale of the stock 32,275 *l.* 2 *s.* 1 *d.* They also received 1,661 *l.* 18 *s.* 4 *d.* for dividends on that stock. They also received from the sale of old materials 6,297 *l.* 14 *s.* 5 *d.* The total receipts from these different sources amount to 44,450 *l.* 5 *s.* 1 *d.*

252. *Chairman.*] That is to be added to the other sum?—Yes; it depends upon how the Committee use the word "estate." I have divided the amount into personalty and real property.

253. What do you make the whole amount?—Taking the two together, the amount is 238,528 *l.*

254. That is the contribution the estates have made to Westminster Bridge?—Precisely.

255. What did the bridge cost?—About 400,000 *l.*, including everything, from beginning to end.

256. Mr. *Jackson.*] That is besides the annual repairs?—Besides the repairs since.

257. *Chairman.*] You speak of the bridge alone, of course, without the approaches?—Yes.

258. Did no part of the estate affect the approaches at all?—On the Middlesex side I think not. The Westminster Bridge property, so to speak of it, was on the north side of Bridge-street; none of it was taken for the approaches. There was little property taken on the Surrey side.

259. Some little allowance may be made for a further contribution by the approaches?—A little more might be; I cannot say how much.

260. Which, if you had gone to market for, you would have had to pay for?—No; it was not part of the bridge; I did not at the moment remember.

261. Mr. *Jackson.*] Do you include in the 400,000 *l.* the cost of widening the approaches at each end, both the Surrey and Middlesex side; there were a number of houses pulled down at the other end of the bridge, and a number at this end?—The cost includes the widening at the other end of the bridge; but, I believe, not on this side.

262. What has been the cost of the property now taken for the approaches to widen Bridge-street?—I am not prepared to say at this moment; I can let you know.

263. Mr. *Ayrton.*] Have you a statement of the expense of keeping up the bridge?—No; it is about 2,200 *l.* or 2,300 *l.*

264. Including lighting and all expenses?—Yes.

265. Mr. *Jackson.*] Under 3,000 *l.*?—Yes; under 2,500 *l.* We have not had much experience yet; but the experience that we have had, I think, enables me to say that the cost is about the sum I have mentioned.

266. Mr. *Ayrton.*] That is paid now out of the Votes of Supply?—Yes.

267. Was

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267. Was the design for the bridge made with reference to economical construction, or with reference to its suitability to the Houses of Parliament?—I do not know; that was before I had anything to do with the Office of Works.

268. Mr. *Jackson.*] It is clear there is no property of the Westminster Bridge Estate that can be applied to the purchase of another bridge?—Quite so.

269. *Chairman.*] There are no effects applicable to the purchase of any other bridge?—Certainly not.

270. Mr. *Ayrton.*] Do you superintend the accounts of the Metropolitan Improvement Fund, recently transferred to the Thames Embankment Fund?—No, I did not superintend the accounts; I recollect them; it is some years ago now. There is a residue still going on of annual receipts.

271. What is the extent of the fund now under the control of the Board?—I could not tell without looking at the accounts. I can furnish you with the amount.

272. Sir *William Jolliffe.*] You are in the Office of Works?—Yes.

273. Were you there when the works of this bridge were suspended for a long time?—Yes.

274. Do you recollect the Parliamentary Committee that sat with regard to that?—Yes.

275. Do you recollect that the question was whether the bridge should be proceeded with or not?—I think that was one of the questions.

276. It was thought that the plan of it was so defective that it was impossible to carry it out, and that it would be better to abandon it, and to undo what had already been done?—I do not remember the precise extent of the proposition; it was something to that effect.

277. Very considerable expense had been incurred previous to that?—Yes.

278. I think it was stated before that Committee that something like 70,000 *l.* had been expended?—I think it is very probable that that amount had been expended at that time.

279. Mr. *Ayrton.*] Great expense was incurred in suspending the works?—Yes, necessarily some considerable expense.

280. Sir *William Jolliffe.*] They were suspended for two years, I believe?—No, about one year and a half; from March to August in the following year. (*The Witness delivered in a Statement of the Westminster Bridge Estate.*—Vide *Appendix.*)

Mr. George Powell, called in; and Examined.

Mr. *G. Powell.*

281. Mr. *Ayrton.*] Is there any kind of arrangement or understanding subsisting between you and the South Western Railway Company?—Not the slightest.

282. You are aware that a Bill has been introduced this Session for allowing the toll bridges to be purchased?—Only this Bill.

283. Were you consulted about the Bill?—No; no application was made to us. On Monday last I was requested to furnish the Committee with a statement of the horse toll and the particulars; that is, to state the number of cabs; I find that to be impossible, and for this reason: I find that we have more empty cabs than those that pay. A person walking upon the bridge, and seeing the great traffic which the empty cabs show, would say, "What a revenue is derived from this bridge!" and the same remark might be made with regard to the heavy traffic. But I may say that brewers' drays passing with the casks full pay double the toll they do when they return empty. So with regard to all the heavy traffic of the South Western Railway; it would be utterly impossible to tell whether the vehicle was paying as an empty carriage, or paying the double toll as being laden. Then there are a number of volunteers going to Wimbledon, and they pass over the bridge free; there are a number of cabs with volunteers that do not pay anything. But I have a statement here showing the actual amount taken: I have taken it from the 1st of May, for a fortnight, beginning with every hour from 10 in the morning, and so on, going on till 10 o'clock the next morning, night and day. I have the amount here, taken on both sides; the amount of money each hour, on the Surrey side and on the Middlesex side. This being summer, I have thought it advisable to take a corresponding period in the winter. I have, therefore, a statement beginning in November showing the same thing. You would scarcely suppose that for five or six hours we do not take 5 *s.* or 6 *s.* on the average.

284. *Chairman.*] What time of the day is that?—From about one in the morning till five or six. That is particularly the case in winter time; the only exceptions are on market days at Covent Garden, Tuesdays, Thursdays, and Saturdays in the summer, when the market gardeners send their vegetables to Covent Garden at an early hour; then we take more. (*The Witness delivered in the Statement referred to.*—Vide *Appendix.*)

285. Mr. *Ayrton.*] You have in no way considered the Bill brought before Parliament; I mean the Company?—Not the Company, certainly.

286. The shareholders or bondholders?—When I found that this Bill was brought into Parliament, I reported the circumstance to the Committee, and I was directed by them to watch the proceedings. Mr Salomons wrote me a note requesting that I would call upon him, and I did so, and furnished him with similar information to that which I have given to the Committee.

287. The bondholders take no interest in the Bill?—No; the bondholders, of course, would take no interest in it, because they have a priority to the extent of 54,000 *l.*

288. Or the annuitants?—We really do not know whether there is anything antagonistic to the interests of the Company. All that we know is, that we have a certain revenue, and we consider that, whether it be derived from tolls or any other source, it is worth a certain number of years' purchase. That is the way in which we look at it.

289. The annuitants have not considered the Bill?—Not in the least; not as a body.

290. Individually?—That is a matter I cannot answer. I have my own views; I am an annuity holder and a shareholder, and of course I entertain

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tain my own views; but I would not venture to speak for others.

291. Mr. *Liddell.*] Do I gather from the answer that you rather entertain some doubt about the *bona fides* of the whole proceeding?—Not at all. There is only one thing I would say: as far as I am concerned, I hope this Bill will not proceed, and merely for this reason, that our tolls are improving, and that, if you were to purchase us now, probably you would not give that which I think you ought to give for an anticipation of improvement, and which I think we are fairly entitled to. If you sell any property whatever, if there is a fair prospect of improvement, you are bound to pay for that prospect.

292. Mr. *Ayrton.*] Can you give an estimate of the amount of toll derivable from the traffic going to the railway station as compared with the rest?—No; it is very considerable, no doubt. There is very great traffic to both the stations, the South Western and the Bricklayers' Arms Station, and also to the London and North Western which of course must always be direct over Waterloo Bridge.

293. Mr. *Tite.*] I think I understood you to say that the traffic to the South Eastern had not greatly increased the general traffic of the bridge?—No, quite the contrary.

294. Sir *William Jolliffe.*] I think you stated that you did not contemplate any great falling off in consequence of the new line into London?—I did.

Mr. William Ley Hunt, called in; and Examined.

Mr. *W. L. Hunt.*

295. *Chairman.*] Are you Secretary of the Southwark Bridge?—Yes.

296. When was that bridge built?—It was opened in the year 1819.

297. What did it cost?—£. 666,000.

298. Have you ever paid any dividend?—Yes, we have paid a dividend every year; the average dividend, I think, from 1819 to the present time, would be something less than 1½ per cent.

299. How much money would that be?—One and a half per cent. would be 2,250 *l.*, because the dividend is paid on preference shares only.

300. Then the average revenue would be 2,250 *l.*?—The average revenue would be a trifle above 3,000 *l.*

301. What do you mean by the 2,250 *l.*?—That would be the amount paid as dividend; the balance would be for keeping the bridge in repair.

302. The gross average taking is 3,000 *l.*?—Yes, from 1819 to the present time the average would be something above 3,000 *l.* a year.

303. On what portion of your capital do you pay dividend?—On 150,000 *l.*

304. Have you been in treaty with the City for the sale of your bridge?—We have.

305. You have had many negociations, I believe?—Before my time.

306. What time can you speak to?—I can tell you what I have heard; that there was a negociation for the sale of the bridge to the City seven or eight years ago.

307. How long have you been connected with it?—Three years.

308. During the last three years negociations with the City were opened?—Yes, last November.

309. Was not that advance made by the company to the City with a view to the sale of the bridge?—It was.

310. What did they offer to sell it for?—£. 200,000.

311. Has it been declined by the City?—The City have not compromised themselves; they have not bound themselves to purchase; the bridge has been thrown open as a sort of trial, to see how it would answer; they pay us so much for the year, but they are not bound to purchase.

312. Is not the offer for 200,000 *l.* left with them for a year?—Yes, till next November.

313. That is for the bridge and approaches?—The bridge and the approaches.

314. At present you have a sort of temporary arrangement with the City for the purpose of taking the toll-gates off, by way of experiment?—We have.

315. When will that expire?—In November.

316. Has the traffic greatly increased since the toll-gates have been removed?—About tenfold.

317. The passengers and the carriage traffic?—Yes, the whole traffic.

318. If that were put into money, it would pay interest on the 666,000 *l.*?—Yes.

319. If that amount of traffic were turned into money, what would it pay as interest?—It would be about 30,000 *l.*, paying interest on upwards of 800,000. *l.*

320. If the present arrangement be not continued, what will happen with regard to the bridge?—We must close it again, and take toll.

321. You must put the gates up?—We must put the gates up, and levy toll as before.

322. I suppose there has never been any doubt about the strength of the bridge?—There is no doubt about that; the bridge has been examined more than once.

323. Was it not very recently surveyed by one of the great engineers?—Yes; and the report is, that it is perfectly sound.

324. What is his name?—I think it was Sir John Rennie.

325. Mr. *Jackson.*] Will you give the Committee the various stocks composing the 666,000 *l.*?—There are 2,737 original shares of 100 *l.*; after that, there were issued 4,439, 100 *l.* shares at 60 per cent. discount. That is they were issued at 40 *l.* each.

326. But in the 666,000 *l.* they rank as 100 *l.* shares, and not as 40 *l.*?—As far as the money is paid, but not in point of stock. If we had to pay that off, we should estimate the shares at 100 *l.*, and that would make the capital above 800,000 *l.*

327. I want to know whether you have taken the net or the gross amount of the shares?—In 666,000 *l.*, those shares are reckoned at 40 *l.* instead of 100 *l.*; but the real stock would be above 800,000 *l.*

328. What do those 4,439 shares produce at 60 per cent. discount?—£. 177,560.

329. What other have you?—There was a new stock issued, in fact new shares of 50 *l.* each.

330. How many of them?—There were 1,700, and those not being sufficient, there was another sum

sum raised of 65,000 *l.*, but no shares were created; they were indorsements of 13 *l.* upon the old shares.

331. Were they entitled to a preference dividend?—Yes, to the amount of 7½ per cent.

332. That is 1,750?—Yes.

333. What money do those represent in your capital?—£.85,000.

334. There were so many shares endorsed upon the old shares?—Not shares, but so much money upon the old shares. No share was created. There were 5,000 shares, and it was suggested that if 13 *l.* were paid, it would make 65,000 *l.*, and would so make the capital 150,000 *l.*, according to the Act of Parliament.

335. And those 5,000 shares are preference shares at 7½ per cent.?—They ranked the same as the 50 *l.* shares.

336. You have complied with the Act of Parliament, and created 150,000 *l.* in shares at 7½ per cent.?—Yes.

337. What dividend have you paid upon the preference stock?—For two years we have paid 1½ per cent., but we have never paid, except in two instances, so much as that. I should say that the average would be about 1½ per cent. upon the preference stock.

338. Nothing on the previous stock?—The old shares have never received a fraction.

339. *Chairman.*] Then there is 400,000 *l.* of capital that gets no dividend at all?—Yes.

340. Can you separate the cost of the bridges from the approaches?—The amount paid for the approaches, the property and houses and the site of the bridge was 186,000 *l.*

341. Then the bridge cost about 400,000 *l.*?—The bridge would cost about 400,000 *l.*

342. Will you furnish the Committee with a precise statement?—I will.

343. There has been some meeting of shareholders, I believe, to sanction this 200,000 *l.* being the price of the bridge?—There was a meeting in May 1864, sanctioning the sale of the bridge for 200,000 *l.*

344. Then you have been since that time promoting a bill through the House, empowering the directors to sell?—Yes.

345. Therefore, in case the City were inclined to buy, you will be empowered by Parliament to sell?—We shall then be empowered to sell; there was no provision in the first Act for the sale of the bridge; therefore, to authorise the Committee to sell, a meeting of shareholders was held, and they consented.

346. Is there any price named in the Bill?—No; it is simply a power to sell.

347. Mr. *Jackson.*] I do not ask what sort of arrangement you have made, but have you made any arrangement with the holders of the various stocks as to the proportion of the 200,000 *l.* each should receive in the event of your selling it to the City?—No, it is not yet arranged. There is a meeting, I believe, held to-day, at this moment, to see if they can arrange it; the Bill having passed through the House of Commons, there was a Wharncliffe meeting yesterday, when three of the preference shareholders and three of the original shareholders were appointed to meet and make some arrangement prior to the Bill going to the House of Lords.

348. If you got your 200,000 *l.* for the bridge, the preference shareholders would be paid off in full, and if the back interest was paid, that would swallow up the whole 200,000 *l.*?—I believe that is a question of law, and there seems to be some doubt about it; I understand that the opinion of eminent counsel has been taken.

349. Have you a record of the traffic which has passed over the bridge since it was opened without toll?—Yes.

350. Can you give us a statement showing the number of passengers and the number of vehicles?—The bridge was opened from the 9th November, and from that date to the 7th May, six months, there were 2,359,312 foot passengers.

351. Will you prepare a statement for the Committee showing the quantity of traffic passing over the bridge before it was opened, during a corresponding period, from November to May, that we may see what the advance has been?—I fear I can only do that partially, because hitherto the accounts have been kept only in money, except as to foot passengers; there was one man alone to collect the carriage toll, and he put all the money into his pocket without keeping a record as to the description of vehicle; for the foot-passengers I can tell you the amount to a fraction.

352. Can you tell the amount of foot-passengers during a corresponding period when the gates were on?—The foot-passengers for the same period in 1863 amounted to 1,073 *l.* 8 *s.*, which, turned into pence, would be 257,616.

353. Mr. *Cowper.*] Will you state what course you have adopted in order to ascertain the number of passengers who have gone across the bridge since the toll was taken off?—The toll-men have been kept on; they are very intelligent men, and they have taken the numbers at either side of the bridge during the 24 hours.

354. You have two men at each end of the bridge?—One man at each end.

355. Mr. *Jackson.*] They have counted the number of persons?—Yes; they count them and put that down, and then mark it off when the number reaches fifty.

356. There has been an increase from 257,616 to 2,359,312?—Yes.

357. The public have availed themselves of the accommodation to that extent?—Yes.

358. Can you give the number of vehicles?—Yes; the number of vehicles was 437,249.

359. Sir *Baldwin Leighton.*—Toll free?—Yes.

360. Lord *John Manners.*] You cannot give us a comparison with the number previously?—I cannot do that.

361. Mr. *Tite.*] Do you recollect a project promoted very extensively by Sir Francis Goldsmith for bringing the North Kent Line over your bridge into the City?—That was before my time; I have only heard it mentioned.

362. Who can tell us about that?—Probably the chairman, Mr. Brand, can.

363. Have you heard that the bridge was to be sold for 300,000 *l.*?—Yes.

364. And that it was offered to the City to be transferred to them, free of cost, if they would allow the railway to come exactly where it comes now?—I have heard that.

365. And they refused it?—I have heard so.

366. I suppose it was all a matter of record, the fact of the proposed sale?—I should think so.

367. *Chairman.*] Who can give us evidence upon that point?—Probably the chairman, but he is in a bad state of health.

368. Mr. *Ayrton.*] Can you produce the correspondence on the subject?—I do not know; I will see.

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369. *Chairman.*] At the present moment the bridge is offered to the City for 200,000 *l.*?—It is.

370. And there is a temporary arrangement for hiring the bridge toll free, which will expire in November?—Yes, the 7th November.

371. What rent does the estate pay for that now?—They paid for the first six months 1,834*l.*

372. When did that expire?—On the 7th May, and for the second six months the amount will be 2,750 *l.*

373. Sir *Baldwin Leighton.*] Have you any property besides the bridge?—None.

374. Mr. *Ayrton.*] No approaches?—None.

375. Are you aware of the Bill that has been referred to this Committee?—Mr. Alderman Salomon's Bill; I know there is such a Bill.

376. You have not considered its provisions?—Not the least.

377. This is the Bill that you have yourself promoted this Session? (*handing same to Witness*)—Yes, this is our Bill.

378. That Bill authorises the City, or the Metropolitan Board of Works, or the Chief Commissioner of Works, to make a contract with you?—No.

379. *Chairman.*] I believe it is the Corporation only?—Yes, the other names were inserted in the original Bill, but afterwards withdrawn.

380. Why was the Metropolitan Board of Works taken out?—They objected to it; if I recollect rightly, they opposed it by counsel, and it was understood that their name was to be taken out of the Bill.

381. And the Commissioner of Works in the same way?—Yes, but I do not think he opposed it by counsel; he was written to by Mr. Baxter, the solicitor, and his name was erased.

382. Then it is simply the City of London?—Yes.

383. *Chairman.*] The City do not promote or oppose the Bill; they do nothing?—Nothing.

384. The Bill, as it stands now, would enable you to sell to the Corporation of London, if they chose to buy?—Yes.

385. Mr. *Liddell.*] Which is the nearest toll-paying bridge to your bridge?—Waterloo.

386. What is the distance from Waterloo to Southwark Bridge?—I should think it is under a mile.

387. Let me ask you whether the considerable amount of increase in the traffic of foot passengers may be attributed to the fact that a great number of working men may prefer the circuitous route over your bridge to the more direct route by a toll-paying bridge?—That, I think, is a matter of speculation; that we have this number is evident, but whether it is to save their pence I cannot tell.

388. Mr. *Ayrton.*] Can you give to the Committee a statement of the annual expense of maintaining the bridge for a year or two?—The expense would be, I should think, from 1,200 *l.* to 1,500 *l.* a year.

389. Including lighting and watching?—Yes, lighting and watching.

390. Mr. *Tite.*] And painting?—Not painting.

391. Mr. *Ayrton.*] Rates and taxes?—Yes.

392. Not repairs?—Repairing the road.

393. But not repairing the bridge?—Not repairing the bridge.

394. How often is it painted?—It has not been painted for many years; the expense of painting the bridge would be upwards of 1,000 *l.*

395. Mr. *Cowper.*] In your return shall you be able to distinguish between heavy carts and other vehicles?—Yes, I can give you the numbers now; but I cannot give you the numbers prior to the bridge being opened.

396. Will you state how many heavy vehicles there were?—There were 261,000 cabs; 19,543 two-horse carriages; 120,000 carts; 72,000 vans; 13,000 trucks; and 11,000 saddle-horse in six months.

397. Sir *Baldwin Leighton.*] Is there much building going on in that new street?—Yes.

398. So that many workmen cross the bridge in consequence?—There is no doubt about that.

399. I want to know the particular reason why there should be this increase?—I do not think there is building enough to account for the increase of passengers.

400. But there is building?—Yes, they are building very large warehouses indeed.

401. That would be one slight reason for the increase?—I should think that would be rather a slight one. It does not appear to me that there is building enough going forward to make this wonderful difference.

402. Mr. *Jackson.*] Do the workmen generally live on the south side of the river?—Yes; a great many work people come from the south side to the City to work, and then go back again.

403. Mr. *Ayrton.*] Is there any considerable traffic over your bridge which comes from Westminster Bridge, to go quickly into the City?—I think the cabs mostly take that direction.

404. Do you think that that traffic would continue when the Thames Embankment is made?—I should think so. If you want to come to this part, it is much the nearest way; a cab will do it in one-third of the time.

405. Mr. *Tite.*] With regard to the foundation, you have two pillars only in very deep water?—Yes.

406. Have any steps been taken since the accident which happened at Blackfriars, the ruin of that bridge, by the alteration in the bed of the river; have any inquiries been made by you?—I have heard Mr. Carr, who is an engineer, say that our bridge would be rather strengthened.

407. By the deepening of the river?—Yes; it is a question I do not understand.

408. What examination has the bridge been exposed to lately; you spoke of some engineer having gone over it; had that reference to the foundation or the superstructure, or both?—Both, I believe.

409. Do you recollect who the engineer was?—I think it was Sir John Rennie.

410. He who originally built the bridge?—Yes, he and his father.

Mr. Peter William Barlow, called in; and Examined.

411. *Chairman.*] You are a Civil Engineer?—I am.

412. You built Lambeth Bridge, I believe?—Yes.

413. Lambeth Bridge is a suspension bridge, is it not?—Yes.

414. And a cheap bridge?—It is not cheap compared with what bridges are now executed for; it is cheap compared with what they formerly cost.

415. What did it cost?—It is not quite complete; the payments up to last December amounted to 44,532 *l.* Ultimately they will amount to the full estimate, which is 50,000 *l.* I think we may be rather under that; perhaps we shall come up to it.

416. Is that a bridge for general traffic?—Yes, for all traffic; carriage traffic and foot traffic.

417. It is strong enough to take any amount of traffic that would go over it?—The cables are estimated to carry 4,000 tons; the ordinary weight of the bridge is 400 tons, and the greatest weight, if crowded over, the ultimate weight you could put upon it, would be 800 tons, which is one-fifth of the strength of the bridge; in fact, not excepting Clifton Bridge, it is the strongest bridge that has been erected; Clifton Bridge is about the same strength, or a little under.

418. Is it a wide bridge?—Thirty-two feet wide.

419. Between the chains?—Between the parapets we have 20 feet with the roadway, and 12 feet for the footpath.

420. That is divided into two pathways of six feet each?—Yes.

421. Is there much traffic over the bridge?—The first three months our traffic was equal to 800,000 people annually; it is now equal to about 1,300,000 annually. It is leased to Mr. Davis. My information is not official; it is through him; he would give you the figures more exactly; he has given me a statement, which I have no doubt is correct.

422. It is a toll bridge?—Yes.

423. Mr. *Jackson.*] Could he give information without jeopardising the Company; how long is the lease for?—Till next November. I am afraid he is not a gainer by the bargain.

424. *Chairman.*] Was it one of the conditions of building the bridge that the builder was to take a lease for a certain number of years?—He is not the contractor for the building of the bridge. He offered to take a lease; he set his own value upon the traffic, and it has turned out to be less than he estimated.

425. Was it one of the conditions of the building that the tolls were to be taken at a certain period?—No.

426. Mr. *Ayrton.*] Have you any objection to give us the particulars of the lease?—It is a lease simply for the tolls for three years.

427. At what rate?—£4,200 a-year; at present the tolls are almost entirely taken from labourers coming from the Surrey side in the morning, and going back at night; the labouring people living on the Surrey side, and being driven more and more so from the improvements that take place; that causes a great deal of that kind of traffic.

428. Mr. *Tite.*] Is it a half-penny toll?—Yes.

429. Have you formed an opinion as an engineer of a great many years' standing, as to the disadvantage of a toll, and the advantage which it would be to have bridges on the river toll free?—Of course, I have looked somewhat into the subject. I have read the evidence given before the former Committee, and there the subject of rating is treated as if a bridge rate would have no compensation in the way of increasing the value of rateable property. Now having had a good deal of experience in the effect of improved communications, and for reasons which I can give, having looked into the matter, I believe that the rate which would have to be made for this purpose is extremely small, compared with the rates now paid. In fact, I reckon that the amount that would pay for the bridges would not be a fortieth part of what is paid for the poor rates, and I believe the effect of opening the bridges would tend very much to reduce the rating. I have lived at Tunbridge, and have seen the effect of the railway works there; also at Blackheath, and at Westminster, where I reside. I have observed the improvements that have been made, and the rates have been materially reduced since I resided at Westminster. The rateable value of the property is something like doubled, and I believe that it is in a great measure owing to the Vauxhall Bridge, because the great improvement is at that end of the parish; I am speaking of St. John's and St. Margaret's. The same thing has occurred at Blackheath, where the rates have been reduced in consequence of the increased value of the property, making a large sum to pay the rates out of. An experienced valuer there states that, taking three-quarters of a mile round Blackheath, the increase in the value of the property would pay for making a railway all the way to London. Taking these things into consideration, although I know a contrary feeling was expressed on the other Committee, my belief is that, although you may put a bridge rate on, it will reduce the entire rating to a considerable extent, I believe several times the amount of the bridge rate. This is an important question for the Committee to consider. The question is this; if it was all one man's property, it would be worth his while to build a certain number of bridges to develop it; he might build too many bridges, but if he was to build none at all, his property would suffer. If this same view of taxation had occurred before London Bridge was made, and we had nothing but a ferry, the value of the property would be entirely different from what it is. There is a certain number of bridges which it is right and economical to build, and the question is, whether we have got by these toll bridges more than we want, and whether they ought to be made free or not.

430. Lord *John Manners.*] How far, in point of distance, can you carry this theory of improving property?—The effect of bridges extends more or less, perhaps, over the whole metropolitan area. The metropolitan area is, I believe, worth about 300,000,000 *l.* of money. The area that I should assume would be affected would be worth about 150,000,000 *l.* The real value of the bridges is about 1,500,000 *l.*; and I conceive that spending 1,500,000 *l.*, whether by rates or building bridges, would operate on that property to a much larger extent than that sum.

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431. You think that the principle of a bridge rate ought not to be applied to the whole of the metropolitan area, but to a small district of it?—I think it is such a small rate that it does not signify much if you put it over the whole metropolitan area; I reckon each man would then have to pay 6 *d.* a year; that would free all the bridges. I should suggest, however, that each bridge should be examined separately. An officer should be appointed to report upon each bridge as to its solidity, then as to the nature of the traffic, and say what district it would be right to assign to it. It would be an easier thing to do that than to assign a district for a sewer rate, which is of a much more uneven character. Some men pay who get a benefit, others pay who get no benefit, and others who are positively injured. The man who lives on the side of the Thames here is benefited by it, but the man who lives near the outfall is positively damaged, but both have to pay the same rate. I think it is much easier to make a bridge rate than a sewer rate. There would be no difficulty about it if the proper persons were appointed to examine into the matter.

432. Mr. *Jackson.*] Would not the simplest plan be to spread the rate over both counties; would not the producers of food be benefited by having free access to the consumer?—Yes, but it is such a small rate that I think that is not an important question.

433. In considering the advantage the producer of food would get in having access to the consumer, the rate would be a bagatelle compared with what both parties would get?—I believe so.

434. You think the value of property all about Vauxhall, Chelsea, and that neighbourhood, would be increased if the bridges were set free?—Yes.

435. Building would progress, and if buildings progressed the rates would be so much smaller, not only the bridge rates but the poor rates?—Yes; if a young man, for instance, wants to set up in business of any kind, he would not invest his capital near to a toll bridge. He would avoid a toll bridge, and go somewhere else. Take away the toll, and capital is brought into the neighbourhood, and you get an increase in value.

436. Sir *Baldwin Leighton.*] The young man would still set up in business, and build his manufactory somewhere?—He would go out of London altogether.

437. Then there would be a benefit to the district where he built his factory?—He might build his factory entirely out of London.

438. If he built his factory in parish B., parish B. would have the advantage; whereas, if he built it in London, London would have the advantage?—Yes.

439. Still, the country would probably derive the same advantage from the factory being built?—That may be; I am speaking of the effect on London.

440. We have to look at the effect on the whole country. It is merely an advantage to London and a disadvantage to other places?—It is by the facilities that are given in London, and the improvements made, that capital is brought here, and London is made the great city it is. If you get more facilities you offer additional inducements to invest capital in London.

441. Mr. *Jackson.*] From your experience, you have found that the access railways have given to suburban districts in the south of London has sent a greater population there than before such facilities were given?—Yes.

442. Prior to these railways going there, the population was all to the west and north-west?—Wherever the facilities have been given, increased capital has been expended, and increased value arises to property.

443. Mr. *Ayrton.*] Is not the justice of the case this: the whole metropolis paying rates for the maintenance of roads, they are entitled to have all the roads free, and ought not to pay toll in one place and not in another; is not that the justice of the question; that is, that all the inhabitants pay rates for the roads and are entitled to have all the roads free?—They are entitled to have all the roads free that they have paid for. If they made the bridges, of course they would have that right.

444. Is there any difference between a road over the Thames and a road over any other part of London?—No, I believe an improved street operates also to improve property, but not so much as an improved bridge.

445. Therefore, the inhabitants paying rates and taxes for the roads in the metropolis, they are entitled to have every road free, in justice between one and the other; is not that so?—I do not quite follow that; they are not entitled to have a road free unless they have paid for it.

446. As between each other, are they not entitled to have every road free?—I do not quite understand the question.

447. Sir *William Jolliffe.*] You give it as your opinion that tolls do not benefit the locality where they are collected in any degree in proportion to the depreciation of property in that neighbourhood?—What I mean is this, it is much better to have a toll bridge than to have no bridge at all. With regard to Vauxhall Bridge, for instance, that district would never have been what it is, if Vauxhall Bridge had not been built. I also think that if you make the bridge free you increase the benefit very much more than by retaining the toll. That is my opinion, particularly after the evidence I have heard with regard to Southwark Bridge. If the increase is anything like what was there stated, it is impossible but that benefit must arise from making the bridge free, I should say, to a very large extent, but that is a matter of opinion. Looking at the immense property interested in it, I believe the benefit would be much greater than the sum required for payment for the bridge.

448. Mr. *Stanhope.*] For what distance do you suppose the benefit would be felt?—Each bridge is differently circumstanced. If you ask me with regard to Waterloo Bridge, I think the influence would extend several miles on each side. If it is important to get the details, as I said before, there should be an inquiry made as to each particular bridge, to ascertain the nature of the traffic and the district that ought to pay.

449. As far as I understood you, you believe that a bridge rate might be raised with great advantage over a considerable portion of the metropolis?—Yes.

450. The other portion of the metropolis, I presume, you do not think would be benefited by it?—I believe it would be benefited to a certain extent.

451. Benefited in point of convenience, but not in respect to the value of the property?—It would be benefited in respect to the value of the property too; each bridge has a particular district that

that it governs, but I am hardly prepared to go into the exact boundaries.

452. Take the district of Paddington, for instance, that enormous district on the north side of Oxford-street; what earthly advantage would it be to them if the tolls were taken off Vauxhall Bridge?—If you look at the map you will see that a great many persons have to go over Waterloo Bridge and Vauxhall Bridge into that district.

453. Is it your opinion that if the toll was taken off any one of these bridges, it would in any degree affect the value of property on the other side of Oxford-street?—To some extent it would.

454. How?—If it affects the value of property in one part of a parish, that influences the value in the rest of the parish. I am receiving at Westminster the benefit of the improvement in the parish from, I believe, Vauxhall Bridge; I believe you should look at the parish, because whatever improvements are made in one part, must affect the whole, since they reduce the rates in the parish.

455. Mr. *Liddell.*] An increase in the rates does not improve the value of the property of the parish?—No, I am speaking of an increase in the rateable value; that means a diminution in the rates.

456. What you propose is a shifting of burdens; —You propose to levy the money for the purchase of these bridges, in the shape of an increased rate?—Yes.

457. I want to know whether that increased rate might not operate, to a certain extent, at any rate, in keeping down the value of the property? —It is precisely like the case of a man who thinks it advisable to build a bridge across a river on his estate for the benefit of the estate; the first year he spends his money he is a loser by it, but he does it because it eventually improves the estate; so it would be in the first year of a rate, only you do one bridge at a time. The first year there might be a loss, but it is like the penny postage, it does not follow that you reduce the revenue by reducing the postage; there is no doubt it developes other kinds of revenue, and that it is no loss to the country.

458. You propose to buy up those tolls by levying a rate over a given area, a very large metropolitan area, but a vast number of those people are not interested one way or the other in the payment or non-payment of the tolls?—I think they are all interested, more or less.

459. Under your plan they would be all affected, inasmuch as they would be all required to pay a rate?—Yes; just as in the case of the sewer rate, where the objection, if it is an objection, would be greater; I live at Blackheath, for instance, and the sewers are not an atom of use to me, but I pay the rate; if it was a bridge rate, I should occasionally have the advantage of it; that irregularity, therefore, exists more with regard to the present rating than it would do with regard to the bridge rate.

460. Mr. *Ayrton.*] Do you see any difference between making a free road over the Thames and making a free road between Park-lane and Piccadilly?—No.

461. If all the inhabitants pay a rate to do the one, do you not think they ought to pay to do the other?—Yes; there may be a greater improvement in one part than in another, but the rating is the same; you cannot have the rates exactly in proportion to the benefits received.

462. The whole thing is the question of making and keeping free roads throughout the metropolis?—Yes.

463. Is there any difference between the roads over the Thames and the rest of the roads?—I do not see that there is.

464. Mr. *Cowper.*] Are you of opinion that the recent additions made to our bridges have led to a considerable number of houses and premises being built on the south side of the river, which, without those bridges, would have been built on the northern side?—Or would not have been built at all.

465. Is it not the fact that the reason why London has increased so greatly on the northern side, and not on the southern side, is owing to the want of bridges?—I believe so. The poor rates on the southern side are higher than on the the north; but I believe the effect of the opening of the bridge would be to equalize the whole thing, both in regard to the value of the property and the rating.

466. Is not the result of making the bridges to give an advantage to the south side of the river, which advantage is lost by the northern side of the river, namely, that of being occupied by houses and premises which must be in London?—I think the south side would benefit most, but it could not benefit without a certain reaction.

467. If we are to levy a rate upon those portions of the metropolis which are benefited by the bridges as regards the employment of lands in building, would it not be fair to confine it only to the south side, since the northern side is not benefited by the creation of the bridges, or by the tolls?—I hardly think that should be; the fact is, that the employers live on one side and the employed on the other; I think that both the employer and the employed are benefited. The people on the Surrey side are taxed very heavily now.

468. Although as a matter of general convenience the bridge must benefit all parts of the metropolis, more or less, yet, in respect of this particular point of bringing vacant land into use for building, would not that advantage be almost exclusively confined to the southern side of the river, where there is vacant land near these bridges, whereas it could not in any degree affect the northern side, since there is such a mass of buildings all the way near the northern end of the bridges?—It would be more important for the southern side; I should not like to say it would not be an advantage, because I think it would, to the northern side.

469. Mr. *Tite.*] When you speak of a toll being a slight matter, in addition to the poor's rate, do you know what poor's rate is paid in some of these large parishes?—Yes.

470. In Chelsea, for instance?—I do not recollect the Chelsea rate; I think it runs to about 3*s.* in the pound on the Surrey side, and 2*s.* on the other side. I have seen the rates; but I forget the exact amount.

471. With regard to Chelsea, with its population of 22,000, and its land built upon, do you think it reasonable that it should pay a rate just the same as the other side, where the land is not at all covered?—No doubt it would be more advantage to the Surrey side for that reason. I suggested that each bridge should be a case for investigation, and that a report should be made upon each as to the district governed by it, and

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as to the mode of rating. I was not aware that I should be asked these questions.

472. You spoke also of a rate of 6*d.* a head; what did that mean?—I mean each individual paying 6*d.*

473. Do you mean each member of a family?—I mean each of the inhabitants.

474. Then, supposing there to be three millions of people, 6*d.* a head would produce 75,000*l.* a year; that would not pay a million and a half of money?—It would pay interest.

475. That involves every man, woman, and child?—I mean the whole population.

476. Supposing a poor man has seven or eight children, do you think it is reasonable he should pay 6*d.* a head for every child he has?—I think the poor people would be the most benefited. The cost would come upon the ratepayers. The measure would be one greatly for the benefit of the labouring classes, and not so much for the rich.

477. You would spread the charge generally over the whole area, in the belief that, though one district might receive greater benefit than others, at the same time the general good would compensate for that inconvenience?—Yes; and with regard to the hardship upon poor families, that is a serious matter already in regard to the payment of toll. In comparison with the payment of a halfpenny toll for every member of the family, a general rate, after all, would not be so very much.

478. *Chairman.*] In estimating the burden which a toll bridge throws upon individuals of the working classes, you must not merely consider the workman himself who passes backwards and forwards, but the effect on his family also?—That is where I think the hardship is for the poor people. The toll in some cases almost prohibits a working man from taking the advantage of a cheap residence on the south side of the river.

479. Sir *Baldwin Leighton.*] Have you thought of how the bridges are to be maintained if they are to be thrown open?—Like London bridges at present. They might be maintained by the Metropolitan Board of Works, or whoever has charge of them.

480. Why should there be any difference in the law of the land between the Metropolis and other places: Westminster Bridge is a special case; so is Blackfriars Bridge, not according to general law of the land; have you ever thought of that?—There must be proper people, of course, to maintain the bridges.

481. Do you think it should follow the general law of the land, or that there should be special legislation?—I have not thought about maintaining them. I should say that the same parties that maintain the roads should maintain the bridges.

482. *Chairman.*] You would throw the burden upon each adjoining parish?—Each parish should take its own charge.

483. Mr. *Jackson.*] Do you not think the best plan would be to throw the burden on the two counties?—I have not thought of the best way to do it, and I should not like to give a positive opinion.

484. Mr. *Tite.*] Would it be fair to throw the cost of maintaining Vauxhall Bridge on the parish in which it happens to be; the parishes repair their roads, and in many cases it is a heavy charge, in others a light one; would it be reasonable to throw the repair of a bridge upon the parish in which it happens to be; is it not more reasonable to have special legislation upon the subject?—My notion was that the parish should pay the principal rate, because if any part of the parish is benefited, the rest of the parish is benefited, and I think there ought to be a general rate in the county or district besides.

485. Mr. *Jackson.*] Suppose I am driving in my carriage to the Crystal Palace, and I go over the bridge toll free, would the parish benefit by that?—That would not be a benefit.

486. Then why should I not pay my proportion?—You ought to pay your proportion, but I think the parish is more especially benefited; that might easily be settled if the principle is settled.

487. Do you think if the cost of purchasing these bridges and maintaining them be thrown upon the counties on both sides of the river, that would be a fair way of dealing with the question?—If I was interested in the property I should be perfectly satisfied with that arrangement, because I believe I should receive an amount of benefit much more than if it was not done; but whether that is the best mode of dealing with it I am not prepared to state.

488. Food must come to the mouth, the mouth does not go to the food, and if you can make the means of the transit of the food to the mouth much cheaper, the land must benefit by it?—Certainly.

489. *Chairman.*] Suppose a bridge to fall down, who should rebuild it; you would not throw that burden on the parish?—I suggested that every bridge should be examined and reported upon as to its stability, and if there was any probability of its falling down, I would not take it.

490. It may fall down notwithstanding?—Then the cost of rebuilding it would have to come upon the parties who possessed it.

491. Then that should not be the parish?—It might be partly the parish and partly the county; I am not prepared to give an opinion; but if you show that there would be really an improvement by purchasing the bridges the thing can be easily settled equitably. It may be more easily settled than other rates.

492. Mr. *Ayrton.*] Are you anxious to sell the bridge?—No.

493. Are you acquainted with the details of the Bill referred to this Committee?—No, I am not. The directors, I believe, have petitioned, and will appear before you.

494. *Chairman.*] Against the Bill?—I believe the traffic on the part of Lambeth is very much undeveloped; and I think the longer the bridge remains unsold the better price we shall have.

495. Mr. *Ayrton.*] Is the income that you have mentioned 4,200 *l.* a year free from all rates and taxes and repairs, or does the Company undertake that?—We have got to repair the bridge.

496. And pay rates and taxes?—Yes.

497. What is the nett income after the repairs of rates and taxes?—About 3,000 *l.*, I think.

498. *Chairman.*] Do you know what the petition is?—It is a petition to this effect. That if Southwark Bridge is purchased ours ought to be, which I think appears reasonable.

499. It is in favour of selling the bridge?—It merely states that it would not be fair to free one bridge and allow the other to remain; they have

have no feeling about selling, one way or the other, that I am aware of.

500. Mr. *Jackson.*] According to your account, the Company are receiving 9 per cent. upon their stock?—They are receiving that; at the same time, Mr. Davis is a good deal the loser by the arrangement; I think it would be more correct to say that it yields 4 per cent. this year, and perhaps 5 per cent. next year; it is increasing very rapidly.

501. Mr. *Stanhope.*] Can you give us an account of your capital and revenue, so that we may know accurately the nett interest you receive?—Yes.

502. Is it not the case, when a bridge is built, that houses are immediately built to a considerable extent near it?—It is always the case.

503. Has it been the case with Chelsea and Lambeth Bridge, and others, that houses have been built in the neighbourhood?—In Chelsea, I believe, there has been an increase in building; but it takes time for it to develop itself.

504. Has that effect been produced in the case of your bridge?—I understand that along that part the houses were difficult to let, and now they let very easily. The value of property has been already improved.

505. Therefore the bridge, though a toll bridge, has added to the value of the property?—Certainly.

506. Supposing the toll to be taken off, who would be the principal gainers by it?—The owners of property near the bridge would be the principal gainers.

507. Do you consider that it would be fair that people at the other end of the Metropolis should pay in the same ratio as those whose property is actually benefited by the building of the bridge, and then by taking the toll off?—No, I think that there should be a payment throughout the whole parish, because all the parish would gain by a benefit to any part of it. I would make a parish rate and a general rate for the district as well. Then you would come much nearer to a fair charge to everybody than you could with any other rate.

508. Then you would not put on a general metropolitan rate?—I would have one over the parish, and one over the district; but I would rather not pledge myself to any particular course, because each bridge ought to be examined and reported upon.

509. Mr. *Liddell.*] That would be in the nature of an *ad valorem* rate, higher upon the parish which benefited most, and lower upon the general district which benefited least?—That is the sort of rate which I think might be devised, but how it should be exactly levied, I cannot say.

510. Sir *William Jolliffe.*] I should like to know whether you consider that the benefit of doing away with tolls in the Metropolis has been diffused over the whole metropolitan area?—Yes, to a certain extent.

511. To such a degree as to make it a greater benefit than they have received by the remission of the toll?—I expect so, but I look upon the tolls on foot passengers as more important than on carriages alone. I think that anything that impedes communication is a loss instead of a gain, and that the taking away of toll gates, although an apparent loss, is really a gain to the community. With regard to bridges that have foot passengers over them, I think this is more important than in the case of carriage traffic.

512. You think that the benefit is very much diffused?—I think it is diffused over a large area.

513. You have said that the southern side of the river is more burdened by poor's rates than the northern?—Yes.

514. Do you attribute that to the concentration of workpeople on that side of the water, especially?—I attribute it to the fact that people will not invest their capital in any kind of trade where they have a toll bridge that cuts off communication between the two sides of the river. If you opened these bridges you would find that men would immediately set up shops of different kinds, and manufactories, and things of that kind, which they otherwise would not do, and then the rate would be reduced.

515. I think you stated that the employed live on the south side, and the employers very often on the north side of the river?—Very much so.

516. That prevails to a great extent?—It does at Lambeth. My knowledge is more with regard to Lambeth. I believe it is so everywhere.

517. Lambeth is very much inhabited by persons who gain their livelihood on the northern side of the river?—Yes.

518. Do you consider it presses hard upon the population who have to pay the toll in coming backwards and forwards?—I do.

519. Do you think it also presses upon the employers; does it enhance the price of labour?—It presses also upon employers, because they really pay the labourers more if they are to be taxed for the bridge. I believe that both parties suffer.

520. You think that both parties suffer from the exaction of these tolls?—Yes.

Lunæ, 29° die Maii, 1865.

MEMBERS PRESENT:

Mr. Adam.	Mr. Leader.
Mr. Ayrton.	Sir Baldwin Leighton.
Mr. Cowper.	Mr. Liddell.
Mr. Hanbury.	Lord John Manners.
Mr. Jackson.	Mr. Alderman Salomons.
Sir William Jolliffe.	Mr. Tite.
Mr. Locke King.	Mr. Turner.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. PETER WILLIAM BARLOW, called in; and Examined.

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521. *Chairman.*] Do you deliver in a statement showing the revenue and expenses of Lambeth Bridge, as desired by the Committee?—Yes.

522. Mr. *Jackson.*] That is the capital and revenue account of the Lambeth Bridge Company?—It is; it is the statement presented to the shareholders, showing the expenditure and the receipts up to the 31st December last. (*The Witness handed in the Statement.*—Vide *Appendix.*)

Mr. FERDINAND BRAND, called in; and Examined.

Mr. *F. Brand.*

523. *Chairman.*] You attend here in pursuance of an order with reference to the Bridge House Estates Account?—I attend in consequence of a letter received from the clerk of the Committee requesting the production of certain accounts. I laid the letter before the Court of Common Council; they referred it to the Bridge House Committee to give directions upon it. The Committee met on Saturday. In the meantime I was getting such information as I could, and I am now prepared to deliver such accounts as I have been able to procure. The first is an account of the income and expenditure of the Bridge House Estates, which is made out according to the wish of this Committee.

524. Have you any other papers?—I have an account of the charges, capital sums and terminable annuities, with the dates when they expire. (*The Witness handed in a Statement.*—Vide *Appendix.*)

525. Mr. *Jackson.*] By your statement it seems that 6,000 *l.* of annuities fall due in 1867?—Yes.

526. And in 1868, 6,000 *l.* more?—Yes.

527. In 1869, 800 *l.*; in 1870, 5,000 *l.*; and in 1871, 3,750 *l.*, making a total of 21,550 *l.*?—That is precisely what I stated before. I mentioned that the annuities would commence expiring in the year 1867, and cease in 1871. This account gives a more detailed statement, shewing the precise years when the different amounts expire.

528. Then there are bonds issued for the repair of Blackfriars Bridge, according to your statement, to the extent of 46,100 *l.*?—That is the balance remaining due. The bonds issued amounted to 77,400 *l.*, of which 46,100 *l.* still remain due.

529. The amount raised for rebuilding Blackfriars Bridge and constructing a temporary bridge is 300,000 *l.*?—Three hundred thousand pounds is the amount already raised.

530. In the evidence you gave before the Committee you stated it, as your opinion, that 300,000 *l.* would not be sufficient?—Yes, I did.

531. And you thought that 50,000 *l.* would be required in addition to the 300,000 *l.*?—Yes.

532. Would you be kind enough to tell the Committee how the amount not expended of this 300,000 *l.* is invested *pro tem.*, so as to produce income as against interest payable upon the 300,000 *l.*?—That depends upon the state of the money market at the time. At some period it may be put out on temporary deposit, and at others invested in stock. That is the Chamberlain's matter. I only know, generally, that such is the fact. The interest received is placed to the credit of what is called "The Blackfriars Bridge Account."

533. It is not invested in any particular security, but remains in the hands of the Chamberlain for him to lend out from time to time as he deems best?—As he thinks will make the most interest, and the interest that is received is carried to the credit of the general fund of the Blackfriars Bridge Account.

534. *Chairman.*] Are there any other papers that you have to put in under that order?—Yes; I have been asked to produce the rent roll. I stated the reasons why the Corporation would object to the production of the rent roll. It is not in my custody; therefore, I could not produce it, but, irrespective of that, it is not yet in a state in which it could be produced, because the rent roll of 1864 is now in the course of making out. The Chamberlain has it for that purpose.

535. Have you brought an account of the rents under the different divisions as mentioned the other day; you said you thought you could do it?—The account gives the divisions, but I will state more particularly, if the Committee wish, the rents which I was asked to state. The accounts

counts are under the head of "proper rents," "foreign rents," "lands purchased," "Blackfriars Bridge," and "quit rents." This is the Chamberlain's account of receipts. (*The Witness handed in the Statement.*—Vide *Appendix.*)

536. Mr. *Jackson.*] I see, by the statement handed in, that from proper rents, foreign rents, lands purchased, Blackfriars Bridge, and quit rents, there is a sum to the credit of the estate of 39,690 *l.* 8 *s.* ?—That is the amount actually received by the Chamberlain.

537 Then, from Three per Cent. Consolidated Bank Annuities and Three per Cent. Reduced there is a sum of 1,118 *l.* 18 *s.* received by the Chamberlain?—Yes, that is the actual receipts.

538. Then, the income duty repaid on interest on loan 96 *l.* 4 *s.* 6 *d.*?—Yes.

539. And to the City's architect, produce of the sale of old materials, Bermondsey New-road, 31 *l.* 19 *s.* 6 *d.*?—Yes.

540. Producing a gross sum of 45,537 *l.* 1 *s.* 7½ *d.*?—Yes, that includes a balance in hand on the 31st December 1863, of 4,599 *l.* 11 *s.* 7¼ *d.*, so that it makes the amount what I stated the last time, about 40,000 *l.*

541. *Chairman.*] What is understood properly by "foreign rents?"—It is an ancient heading that has been in the rent roll for centuries. The property included under the heading of "proper rents," consists of property in the parishes of St. Olave and St. Saviour, Southwark, and in the City of London. That is all included under "proper rents;" "foreign rents" include property at Lewisham, Sydenham, Deptford, Rotherhithe, Kent-road, St. George's Fields, Strat ford, and a little bit of land at Ewell, in Surrey. "Lands purchased" include property in and near Blackman-street and Hercules-buildings, Lambeth.

542. When were they purchased?—Some of them were purchased centuries ago; some were purchased of Edward VI.

543. They have not been recently purchased?—No; except those properties which have been purchased with the produce of purchase money for other property taken under Improvement Acts by railway companies, or other bodies.

544. Mr. *Liddell.*] Are you bound to expend the purchase money for any property that you sell to railway companies or others, upon the purchase of real property?—Yes, other property, to be settled on the same trusts.

545. That is by Act of Parliament?—The Lands Clauses Consolidation Act provides that, long before that Act, there were Standing Order Clauses of the House of Lords inserted in all Acts of Parliament for purchasing property from parties in the situation of trustees, requiring that the purchase money should be paid into the bank and laid out in the purchase of other property, to be settled to the same uses, and when the Lands Clauses Act was passed those Standing Order Clauses were embodied in it.

546. *Chairman.*] Is there any Act of Parliament that regulates these estates?—No, there is the general Act; every Act under which property has been sold before the passing of the Lands Clauses Act contained clauses such as I have mentioned. They were called the Standing Order Clauses of the House of Lords, and were put into all Bills.

547. Compelling you, when you sold any of your property, to re-invest the purchase money?—Yes; as trustees of an estate, you cannot sell; you have no power to sell without an Act of Parliament.

548. Mr. *Jackson.*] It appears by the statement you have handed in, that the sum of 1,000 *l.* 12 *s.* 5 *d.* was spent in 1864, for cleansing, lighting, and repairing London Bridge, and that the sum of 2,180 *l.* 5 *s.* 2 *d.* was spent in looking after the property which is to find the fund for repairing the bridge?—Yes; 2,180 *l.* 5 *s.* 2 *d.*

549. That is for looking after the property?—For the general management of the estate, and looking after the property; the expenses connected with it.

550. That is independent of law charges, and the Lord Mayor's allowance?—It is independent of law charges.

551. The two together amount to about 680 *l.*?—Yes; that is upon a rental of 40,000 *l.*, it includes everything, all the expenses I think. There are two bridge masters' salaries, and the expenses connected with the management of the estate, keeping the accounts and expenses of the Committee on viewing the property.

552. In 1871, when the annuities will cease, if this property were sold it would produce a larger nett income to other parties than it produces to the trust by the sum of 2,000 *l.*?—I do not think so; I do not see that any nobleman's estate to the extent of 40,000 *l.* a year could be managed for less.

553. I am presuming that it is sold to different parties who would look after their own estates?—They would have to pay collectors and surveyors just the same; most persons who have looked at the expenses of managing the Bridge House Estates think that the estates are managed very cheaply.

554. So do I?—It could not be saved; somebody must do the work, in some shape.

555. There is a sum of 300 *l.* for the expenses of the committee; that would be saved?—No, you must pay somebody else.

556. Then there is an item for the apportionment of salary, and expenses of the office of comptroller for a year and a-half, 786 *l.* 1 *s.* 9 *d.*?—It is for two years and a-half, and that is a very small sum.

557. The architect and surveyor's establishment account is 524 *l.* 7 *s.* 8 *d.*; the Chamberlain's clerks 300 *l.*, and the expenses of the committee 300 *l.*; those expenses would not fall upon the property if it were divided into small portions?—The expenses of the comptroller are for two years and a-half, but they are included in the one year's account. The account I gave you before was an average of three years.

558. Mr. *Ayrton.*] The rent of lands purchased is 1,200 *l.*?—Yes.

559. Is that land purchased with the accumulation of the funds?—That is the old heading of lands purchased; part of the lands were purchased of Edward the Sixth.

560. The whole of those lands are held in trust, separate from the corporate funds?—Entirely: the accounts are kept distinct.

561. And that trust is solely for the building and maintenance of London Bridge?—The terms of the trust are "for the maintenance and support of London Bridge."

562. And Parliament has passed laws extending that trust to Southwark Bridge?—To Blackfriars Bridge, at the instance of the Corporation; the Corporation applied to Parliament for their sanction; first of all, to repair Blackfriars Bridge;

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it was thought at that time to be a substantial repair; that was in 1833; then, subsequently, application was made for rebuilding the bridge.

563. You spent about 100,000 *l.* in 1863, did you not?—£. 105,000.

564. And you now propose to spend 300,000 *l.* in pulling down all that you spent 105,000 *l.* upon, and building a new bridge?—Yes; that is rendered necessary by the new London, Chatham, and Dover Railway Bridge.

565. What is rendered necessary?—The pulling down of the present bridge.

566. In what way?—The old Blackfriars Bridge was a bridge of nine arches, and it was considered that it would have been extremely inconvenient to have another bridge of nine arches, because the railway bridge must necessarily have had arches precisely the same as the old bridge. One of the piers had begun to sink, or had shown symptoms of sinking; and it was considered that to perpetuate two bridges close together, within 100 feet of each other, and with nine arches, would create a serious impediment to the navigation of the river; therefore, it was thought desirable that the railway bridge should be built with five arches, and that the other bridge should be built with a similar number of arches.

567. Was it not decided to pull down and rebuild the bridge before the railway bridge was contemplated?—No.

568. You mean that the Corporation contemplated keeping up Blackfriars Bridge?—Yes; they thought they might pull down the defective pier. They tried an experiment to see whether it could be maintained, and finding from some three or four years' experience that no further sinking took place in any part of the bridge, except where the defect had originally appeared, that is the fifth arch from the Middlesex side, it was thought that by pulling down that pier, and rebuilding the two arches which rested upon it, Blackfriars Bridge might last for 100 years, at least for some considerable time; but then the question arose with the conservators of the river as to the expediency of perpetuating two bridges with nine arches so close together; that was the reason why the Corporation began to consider the propriety of rebuilding Blackfriars Bridge.

569. Mr. *Jackson.*] Was any application ever made to make the two bridges into one?—No; I do not think any application was made. It was talked of. but there was no formal application on either side. I am only speaking now from what I have heard engineers and other parties connected with it say. When the subject was under discussion it was thought that it would not be desirable to have it so.

570. Mr. *Ayrton.*] Can you produce the rent roll for 1863; is it complete?—That could be produced; the rent roll for 1864 is not ready, it is being copied out; it is with the Chamberlain; and I submit to the Committee again that there would be great objection, not to produce it before the Committee, but to its being printed.

571. Can you explain why the statement of the rents has not been produced as requested by the Committee?—That is a work of great time.

572. You say it will take further time?—Yes, and who is to do it? It seems to me that it is a surveyor's question; I could not do it.

573. I suppose the people who receive 2,180 *l.* a year for managing this property can do it for the Committee?—I do not know; they do not receive 2,180 *l.* a year for doing that; no individual receives that sum in the whole estate.

574. But amongst them they can manage to do this for the Committee?—It will take time; it involves the necessity of going through each separate item in the rent roll. It must take a considerable time.

575. But we understand that it is the intention of the Corporation, as trustees, to prepare the account for the Committee?—Yes.

576. Sir *Baldwin Leighton.*] How many tenants are there?—About 600 or 700. We should have to go through each letting, and state which is rack rent, which is capable of improvement, and which is ground rent; it will take a considerable time.

577. *Chairman.*] You are preparing the accounts in the way you were asked?—Those accounts will be prepared.

578. Mr. *Liddell.*] I presume that many of those tenants are holding leases?—Nearly all of them; the practice is to let upon lease; letting in any other way is an exception under peculiar circumstances. They are nearly all let upon lease.

579. What is the average term of the lease?—When we suppose that we are letting on improved rents the term is 21 years; ground leases are now let for 80 years; the practice before was to let them for 61 years.

580. When you let for 21 years, is there a break at the end of seven?—No, that is not the practice; there have been exceptional cases, but they are very rare indeed; the Corporation do not make it a practice to grant determinable leases; there are some cases in which, under special circumstances, they may be let for 31 years; in consideration of an outlay, a man has had a few years added to his term.

581. Have you any 99 years leases?—No, not any; 80 years is the extent of our term; when I say not any, I should except the Bethlehem Hospital, which is held for about 800 years, but that is by a special Act of Parliament.

582. *Chairman.*] Is that your estate?—Yes; it is let for 1 *s.* a year. It is part of the Bridge House Estates; they gave in exchange to the Bridge House Estates the freehold of the site of the old hospital in Moorfields; the new Bethlehem Hospital in St. George's Fields consists of about 11 acres.

583. Mr. *Jackson.*] Can you, from memory, state the income of the Bridge House Estates in 1845?—I cannot say from memory; I think it is much increased since 1845.

584. Do you think it has increased in value 25 per cent.?—I should think that in 1845 the income must have been between 22,000 *l.* and 28,000 *l.*

585. *Chairman.*] And it is now 40,000 *l.* and upwards?—It is not 40,000 *l.* upon an average of three years; it was 40,000 *l.* last year, including the dividends. I did not trouble the Committee by separating the dividends, because they are received for property with respect to which rents would otherwise have been receivable.

586. Would it be a difficult matter for the estate to furnish the Committee with a copy of the accounts for 1845?—Not the slightest.

587. Will you furnish it?—Certainly.

588. Mr. *Ayrton.*] You think it is a good mode of disposing of the funds of the company to keep the money invested in Three per Cent. Consols, and borrow money on loan at the same time?—We have no choice.

589. How

589. How is that?—There are distinct Acts of Parliament; the Lands Clauses Act compels money that is received for the purchase of property to be invested in the Three per Cents. until other land is bought.

590. At what rate have you borrowed? —Four and a-half per cent.

591. That was done by Act of Parliament?—Under the authority of the Act of Parliament.

592. It did not occur to the Corporation to introduce a clause by which they should sell out the stock which was invested in the Three per Cents., to raise the money?—It did not, and I should have thought it a very injudicious thing to do.

593. You think it better to have money invested at 3 per cent. than at 4½?—No.

594. Then why is it injudicious?—It would be taking away from the Corporation the power of re-investing in land the money which the Legislature has always said shall be invested in land.

595. Mr. *Adam.*] You only put it in the Three per Cents. until you re-invest it?—That is all; it is invested in the Three per Cents. until an eligible opportunity presents itself of purchasing other freehold property; as far as my influence would go, or my opinion, if it were asked, the Corporation never should take any portion of this money to pay off bonds; I think it would be a most injudicious step.

596. Mr. *Jackson.*] To sell a portion of the property to pay off the debt?—I think it would be most injudicious to sell the property to pay off the debt, because the Corporation will last for ever, and the property will become valuable: you cannot tell what value it may be; if the property affords a sufficient income to justify people lending their money, you get the advantage of the property increasing in value.

597. Supposing the reverse should take place and the property should diminish in value?—It is not very probable; supposing you had sold the Bridge House Estates to build London Bridge with, you would have had nothing now with which to build Blackfriars Bridge.

598. Sir *Baldwin Leighton.*] Still, if you borrow from yourself you might save 1½ per cent. interest?—We have followed the mode that the Legislature has thought it right to adopt, not with reference to this estate only, but all trusts of the kind.

599. Were you obliged to have an Act of Parliament to build Blackfriars?—Yes.

600. Then, if you had borrowed from yourselves and repaid the money, you would have saved 1½ per cent.?—We might, or we might not; we might have lost an opportunity of making an eligible purchase in the meantime.

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601. Mr. *Ayrton.*] Why so?—We should not have had the money.

602. Could you not have borrowed it to make this eligible purchase?—No, not without going to Parliament.

603. In getting an Act of Parliament to regulate your affairs could you not have made provision for that?—We did not require it. The Corporation, in the exercise of their judgment in the management of the Bridge House Estates, did not think that it would be a judicious thing to spend the money which the law says shall be kept sacred for the purposes of being invested in freehold property in order to pay off bonds.

604. Mr. *Jackson.*] You think they are right in speculating upon that?—I do not think they would be right in speculating. My opinion is always opposed to speculation on the part of corporations or trustees.

605. Can you give the Committee any idea when the remaining papers will be produced?—I see that you ask for an account of "all monies and investments now held on account of the Bridge House Estates, and annual income." I do not quite understand what that refers to; we have no other investments except the investments of purchase money paid for property. That I can give at once.

606. Mr. *Ayrton.*] We have not the capital sums; you have given merely the income?—I can give you the capital sums.

607. *Chairman.*] What is the capital sum that that income represents?—There is 910 *l.* 7 *s.* 2 *d.* for property taken by the Mid Kent Railway Company.

608. Can you say what the whole together amounts to?—I have them all separate in detail, an account of all the investments.

609. Can you give us the lump sum?—£. 1,920 is the produce of ground taken by the Commissioners of Sewers for the public way. I can make a summary of it and send it to the Committee. Then there is 3,753 *l.* 7 *s.* for property taken by the Commercial Docks Company, and 45,948 *l.* 12 *s.* purchase money for property taken by the London, Chatham and Dover Railway Company.

610. Mr. *Jackson.*] Can you let us have a statement of the accounts every tenth year?—Yes; I can begin at 1824, and give you the accounts for that year, 1834, 1844, and 1854; you have the account for 1864. Let me assure you again that there is every disposition to give the Committee the fullest information.

Mr. William Ley Hunt, called in; and Examined.

611-12. Mr. *Jackson.*] Do you hand in a statement of the traffic on Southwark Bridge from the 9th November 1864, the period of its being thrown open to the public toll free, to the 7th May 1865?—Yes.

Mr. *W. L. Hunt.*

613. From which it appears that there passed to and fro over that bridge 2,359,312 foot passengers, and that if the toll had been collected it would have amounted to 9,830 *l.* 9 *s.* 4 *d.*?—Yes.

614. The number of vehicles is 487,249; saddle horses, 10,975, which, at the old charge, would have amounted to 14,219 *l.* 15 *s.* 6 *d.*?—Yes.

615. If the same number of passengers and vehicles had passed over, charged with toll, as passed over free of toll, the income would have been as stated here?—Yes.

616. The real traffic from the 8th November 1863 to the 7th May 1864 on payment of toll was from foot passengers 1,073 *l.* 8 *s.*, equivalent to 257,616 passengers?—Exactly.

617. And the amount of vehicles was 703 *l.* 9 *s.* 6 *d.*?—Yes.

618. You have no opportunity of giving us the number of vehicles that passed?—No. (*The Witness handed in the Statement.*—Vide *Appendix.*)

Major Boileau, called in; and Examined.

Major *Boileau.*

29 May 1865.

619. *Chairman.*] You are Chairman of the Hammersmith Bridge Company?—Yes; I have been so for 26 or 27 years.

620. Have you received a list of questions from the Committee?—The secretary has shown it to me to-day; I only heard of it yesterday morning. I have not come from my residence immediately in the neighbourhood of the bridge, but from a distance in the country, on receiving a note from the secretary, and he has furnished me with the particulars this morning. I may mention that, as long as 10 or 11 years ago, there was a Committee of this kind appointed by the House of Commons at the request of Mr. Oliveira. I gave evidence before that Committee, and the whole of that evidence, which gives the history of the bridge up to that period, is contained in the Blue Book.

621. Mr. *Jackson.*] And you gave evidence before the Committee over which I presided in 1855, did you not?—Yes; but I think that was upon another matter.

622. What is the name of your company?—The Hammersmith Bridge Company.

623. What is the capital?—£. 80,000 was the Parliamentary capital, which was raised in 1,600 shares at 50*l.* each. We had also to raise, subsequently, an additional sum of 5,000*l.*, which was paid out of the revenue of the company. The 80,000*l.* was not quite sufficient for making the bridge and the roads or approaches which our Act of Parliament authorised us to make. We had to buy a considerable quantity of house property in Hammersmith to make the approaches, and we had also to buy all Mr. Hoare's estate in the parish of Barnes. That necessitated our raising 15,000*l.* in addition to the 80,000*l.* raised by the 1,600 shares. We were not allowed by the Act to retain the whole of the property we bought of Mr. Hoare, and we sold it off, but we could only get 10,000*l.* for that which we sold; therefore the remaining 5,000*l.* had to be charged to revenue, and we paid it out of revenue a few years after the bridge was opened.

624. What is the capital on which you pay dividend?—80,000*l.*; but there is still 5,000*l.* more that has been expended.

625. That came out of the pockets of the proprietors instead of going into them as dividends?—Yes.

626. So that the real capital is 85,000*l.*?—Yes. The real number of shares amounts to 80,000*l.* Without wishing to confuse you, I should tell you, that though the original number of shares was 1,600 there were 22 forfeited by the calls not having been paid up; so that the real number of shares upon which we pay dividend is only 1,578.

627. When was the bridge first opened for traffic?—In October 1827.

628. What are the tolls on foot passengers and carriages?—The list is given in the Act of Parliament.

629. Will you tell us what they are?—One halfpenny for foot passengers; 1*d.* for horses; 1½*d.* for a horse or donkey laden; single horse carriages 4*d.*; pair-horse carriages 6*d.*; four-horse carriages 1*s.*

630. *Chairman.*] Is that going and returning?—Each way; it is always the same.

631. What is the revenue of the bridge, distinguishing horse and carriage from passenger traffic?—I am sorry I have not the means of giving it you; if I had I should be happy to do it. We have not, at present, the means of separating the foot passengers from the horse and carriage traffic.

632. Could you not do it?—If we had time; we received the notice only on Friday evening.

633. Can you furnish us with such a document?—We will send it to the Committee; it will require a little time to extract the information.

634. What is the total amount of the tolls?—Our financial year ends on the 30th April. During this last year our tolls from the bridge alone amounted to 4,949*l.* 8*s.* 5*d.*

635. Mr. *Jackson.*] Do you circulate amongst your proprietors a statement of your receipts and expenditure?—Yes.

636. Will you put that in?—Yes. (*Witness handed in the Statement of Accounts.*—Vide *Appendix.*)

637. Mr. *Ayrton.*] How often do you paint the bridge?—The usual time is every fourth year.

638. What is the expense?—The cost varies. It depends upon the amount of repairs done at the time; from 250*l.* to 300*l.* The periodical repairs and painting of the bridge amount to about 300*l.*

639. *Chairman.*] What do you calculate to be the average sum for maintaining and repairing the bridge?—We have about 3¼ miles of roads or approaches to the bridge, the repair of which amounts to about 1,300*l.* a year. The repair and painting of the bridge alone, upon an average of several years, being a continuation of a table I gave in 10 years ago when before Mr. Oliveira, has been 308*l.* 2*s.* 9*d.* The other expenses for the repair of the roads and charges of management have amounted to about 1,300*l.* a year.

640. Mr. *Ayrton.*] What is the maximum load the bridge is able to receive with perfect safety?—We have not the least idea of danger; we never hesitate to let anything go over. We have lately had carts belonging to Messrs. Cowan, who have established some extensive soap works in Barnes on the Surrey side of the river, and as much as 10 or 11 tons go upon one waggon with four wheels. We never hesitate to let anything pass over.

641. Mr. *Liddell.*] Did I understand you to say that you had three miles, or upwards, of roads, repaired at a cost of 1,300*l.* a year?—Yes.

642. Then there is 300*l.* a year for painting and repairing?—That is the average cost of the repair and painting of the bridge, making a total of 1,600*l.* a year.

643. *Chairman.*] You have got to keep the roads in repair?—The roads that are formed under our Act of Parliament for the approaches we have to maintain at our own expense.

644. Cannot you surrender them to the parishes?—We should be glad, but the parishes will not take them. Under our Act of Parliament we have obtained the authority to make them, and we are bound to repair them.

645. Have you not the same power as other landowners to surrender them?—I should think not; under the general Act of Parliament, any person who makes a road, and has kept it open to the use of the public for a certain period, may, by application to the magistrates in quarter sessions, compel

compel the parishes, after a while, to take them; but then that individual is not under any Act of Parliament bound to keep that road in repair longer than he likes; we are bound by our Act of Parliament to keep the roads in repair, therefore the parishes will not take them.

646. Which side of the Thames are the roads; are the greater part of them on the Barnes side? —About three-quarters of a mile in Hammersmith from the bridge into the Broadway; all the rest is on Barnes side.

Major *Boileau.*

29 May 1865.

Mr. Thomas Jeffery, called in; and Examined.

647. *Chairman.*] Are you Secretary to the Vauxhall Bridge Company?—Yes.

648. Do you bring with you the accounts of the Vauxhall Bridge Company?—I have brought such accounts as, I think, will satisfy the Committee.

649. What accounts are they? — They are half-yearly accounts, rendered to the proprietors.

650. What is your capital?—£.296,998 7*s.* 4*d.* That was the cost of the bridge and roads.

651. How much money have you received?—I have the statement for 20 years.

652. What was it last year?—£.10,895 2*s.* 8*d.*

653. Is that nett?—That is the nett receipt of tolls.

654. Mr. *Jackson.*] Will you state how the capital of 296,998 *l.* was raised; in what proportions of shares?—By the first Act there were 3,000 shares issued at 100 *l.* By a subsequent Act the directors were empowered to issue an equal number at 28 *l.*, giving to the then proprietors the preference to take as many as they held of the old shares.

655. What does the share list consist of now; of 3,000 old shares and 3,000 preference shares? —There are no preference shares; they are all of equal value.

656. Supposing the revenue was not sufficient to divide amongst them all?—They all work alike.

657. There are no preference shares?— No. The actual number of our shares is 5,600, half for 100 *l.* and half for 28 *l.*; so that, in fact, the average would be 64 *l.*

658. Five thousand six hundred shares, at 64 *l.* each?—Yes.

659. What has been the average dividend paid upon them?—The dividend in 1864 was 1 *l.* 8 *s.*; in 1863, 1 *l.* 7 *s.*; in 1862, 1 *l.* 10 *s.*; in 1861, 1 *l.* 4 *s.*; and in 1860, 1 *l.* 4 *s.*

660. Then it has been a poor paying concern? —Very; but not so bad as some of the others.

661. What is the price of the shares?—It varies from 22 *l.* to 25 *l.*; they are low at present.

662. *Chairman.*] The 64 *l.* average-share sells for 22 *l.*?—From 22 *l.* to 25 *l.* I should like to add one or two observations. The Legislature have never considered it proper to build bridges across the River Thames for the convenience of the inhabitants of London, but have by several Acts empowered private persons to provide for the necessities of the town by constructing the existing toll bridges, which have to some extent met the requirements. Before these bridges were built no mode of crossing the river in the vicinity of them existed for carriages and carts, and the charge for ferrying foot passengers over was 2 *d.* each person; to cross these bridges the toll is ½ *d.* each passenger. The proprietors of the existing toll bridges who have thus (with the sanction of Parliament) met the wants of the public have done so at very serious loss to themselves. The original shareholders of Southwark and Waterloo bridges have never received any dividends; and the largest dividend paid to the proprietors of Vauxhall Bridge in one year has been 30 *s.* on the 100 *l.* shares. That the opening free all the toll bridges will, no doubt, meet the convenience of the public in many ways, and likewise improve the value of house property on both sides of the river, is admitted; yet the proprietors of the toll bridges will naturally desire that in carrying out so great an improvement their property should not be further deteriorated. If the bridges are all opened, and the value of each of them is estimated at the same time, the proprietors may not have reason to complain, but if one or more be opened free, leaving the tolls to be collected on the others, great injury may be done to the proprietors of the latter. For instance, should the foot toll be removed from the Chelsea Suspension Bridge the effect would probably be that at once the foot toll on the old Chelsea Bridge would be diminished two-thirds, and the foot toll on Vauxhall Bridge 20 per cent. upon the present receipts from this source.

Mr. *T. Jeffery.*

663. Mr. *Ayrton.*] Has the traffic on the bridge increased much in consequence of Nine Elms Station being opened?—No. When the removal took place from Nine Elms to Waterloo it diminished considerably.

664. Is there not a railway station on the Surrey side of Vauxhall?—Yes. The terminus was removed there to Waterloo some years since; then we lost about a third of our toll, and Waterloo Bridge profited.

665. Did you gain one-third of your tolls by the construction of that station?—Yes, we improved; I have not the particulars with me; we were no doubt benefited by it.

666. And the tolls diminished when the station was removed?—Yes.

667. Is there not now considerable traffic across the bridge going to the station which is still there, the Vauxhall station?—Yes.

668. Both cabs and passengers?—Yes.

669. Mr. *Adam.*] There is a goods station at Nine Elms?—Yes; it is done away with, except as a goods station.

670. Sir *Baldwin Leighton.*] Do you get much goods traffic over Vauxhall?—There is a great deal of carrying traffic.

671. Mr. *Ayrton.*] From Nine Elms station? —Yes; but we do not consider that very profitable, the wear is so great.

672. Mr. *Jackson.*] You are of opinion, that if all those bridges were thrown open, there would be a much greater communication between the north and south sides of the river?—Yes.

673. Mr. *Ayrton.*] The foundations of your bridge are below the bed of the river?—Yes; I examine them frequently, and take soundings; the piles are in a perfectly sound state. Since the removal of the old London Bridge, the bed of the river near the bridge has gone down five or six feet, but it remains at that; we have thrown in a good deal of material, and it is perfectly safe.

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674. How much below the present level of the bed are your foundations?—I think they would be on an average six feet; they are all down to the London clay, with the exception of the abutment on the Surrey side.

675. *Chairman.*] You have never had to make any substantial repairs?—None.

676. Did the closing of Vaxhall Gardens make a considerable difference in your receipts?—It did at the time, but we expect to be profited by the buildings that will be put on the ground to a much greater extent than we lost.

677. Mr. *Ayrton.*] You have had a new town built on the Middlesex side since then?—Not very recently; Mr. Cubitt was no doubt a great friend to the bridge, by the property he built there.

678. St. George's-square and that neighbourhood?—Yes.

679. Sir *Baldwin Leighton.*] Have you any property besides tolls?—We have an income from the London Gas Company, who pay us 300*l.* a-year for passing their pipes over our bridge.

680. You have no arches, or houses, or lands?—None.

681. Mr. *Ayrton.*] What is your rate of tolls?—It is a halfpenny each foot passenger, 2*d.* for each horse drawing or otherwise. We reduced the tolls one-half in June, 1858.

682. *Chairman.*] Did you find that a profit?—For three years it was a loss; but we are now coming up to the old receipts. (*The Witness handed in Statements of Accounts.* — Vide *Appendix.*)

Mr. Archibald Chasemore, called in; and Examined.

Mr. *A. Chasemore.*

683. *Chairman.*] Are you Secretary to the Fulham Bridge Company?—Yes.

684. Your capital is 30,000*l.*?—Yes, 30 shares at 1,000*l.* each.

685. Mr. *Ayrton.*] Has a company been recently incorporated to build a bridge at Putney?—Yes.

686. What is the name of it?—The Albert Bridge Company. [The name of the intended new bridge between Fulham and Putney is not the Albert Bridge Company, but the Putney and Fulham New Bridge Company.]

687. *Chairman.*] Has there been any arrangement with the Albert Bridge Company?—Yes; but I believe they cannot get money enough.

688. Mr. *Ayrton.*] Where is that bridge to be built?—Just by the old Fulham Bridge.

689. In lieu of the Fulham Bridge, or by the side of it?—At the side of it.

690. Mr. *Adam.*] Not with the intention of leaving both up?—No; they will pull down the old one.

691. Mr. *Ayrton.*] Have they powers to buy up your bridge?—Yes, by the Act of 1863.

692. *Chairman.*] Was there a price fixed at which your bridge was to be bought?—Yes; 40,000*l.*, by arbitration.

693. The Albert Bridge Company have not been able to raise the capital?—No, they have not.

694. Mr. *Liddell.*] You would make 10,000*l.* by the transaction?—Yes; but I do not think they have time to build the bridge. The Act would have to be renewed; but some of the proprietors have given 2,000*l.* per share, which would make the value of the bridge 60,000*l.*

695. *Chairman.*] When did they get their Act?—In 1863.

696. Mr. *Ayrton.*] How many arches were there to be?—I cannot tell, it is an iron bridge.

697. Are the tolls to remain the same on the new bridge as on the old?—I believe not; our bridge is 1*d.* on Sundays, they would have it ½*d.* every day, and the tolls on carts would be cheaper. The present toll for a pair of horses is 1*s.* I believe it is intended to be 6*d.*

698. Lord *John Manners.*] Do we understand you to say that the negotiation is broken off?—No; the Act to run till 1867, but they will not be able to build the bridge in that time. The Act would have to be renewed.

699. Mr. *Liddell.*] The term allowed the new company to carry out their undertaking was five years?—The bridge approaches and works shall be complete within four years after the passing of the Act.

700. That would expire in 1868?—Yes.

701. They have not been able to raise their capital?—No, they have done nothing whatever.

702. When was the bridge built?—It was opened for traffic in 1728.

703. It is a wooden bridge?—Yes. (*The Witness handed in a Statement of Accounts.*—Vide *Appendix.*)

Mr. John Edwin Bradfield, called in; and Examined.

Mr. *J. E. Bradfield.*

704. *Chairman.*] What is your profession?—I am a Parliamentary Agent.

705. Mr. *Jackson.*] You have been for many years engaged in what you call opening the thoroughfares of London and rendering them free of turnpikes?—Yes, for the last nine years.

706. Be kind enough to state to the Committee what has been the result of your labours, and the labours of the committee with which you are associated?—Last year, on the 1st of July, there were 79 turnpike gates and bars removed from the north side of London, represented on the map by an open space within the Metropolitan district.

707. Will you point it out on the map?—The removal of the tollgates on the 1st July 1864 took place in this area (*pointing on the map*), from Whitechapel up to the boundary of the Metropolitan Board of Works at Hammersmith and Hampstead, representing 55 miles.

708. How many gates still exist on the north side of the Thames, and how many miles of road are affected by those gates?—There are none except the Finchley New-road, the Commercial-road, and the Middlesex and Essex-road, within the area of the Metropolitan Board of Works.

709. Are all the gates removed on the south side?—On the 1st of November this year all the roads in the area of the Metropolitan Board of Works, with the exception of the Greenwich and Woolwich Lower-road, about two miles and three-quarters; the Dulwich roads, between Camberwell and Brixton and the Crystal Palace, will be set entirely free, and also many country roads, reaching to Farnborough, Dartford, Godstone, and Kingston; in fact, the whole district of Surrey,

to

to a considerable extent, will be relieved on the 1st of November this year, with the exception of the Greenwich and Woolwich Lower-road and the Dulwich roads. The mileage is 108 miles, and the number of tollbars 61.

710. Will you state to the Committee why the gates that remain are not in the course of being removed?—The first one is the Commercial-Road, extending into Barking. That road is in debt. The Act of Parliament expires in 1872, but I very much question whether the debt will be liquidated by that time. It is a turnpike-road, and I do not know in my experience, with the exception of the Bermondsey roads, any district so completely shut out from communication as that. A system has been adopted by which the collector is almost hid from the passenger until he gets to him. They are studded along the road, and at the junction of the East and West India Docks. Just at that point (*pointing on the map*), I should have blotted the whole of that part over if I had shown the number of bars and gates. There are seven bars and gates there; not wooden erections, but men with aprons legalised to take tolls. At this particular point there are seven within 200 yards of each other. They are all over the district. As soon as you come out at the point of the dock wall you immediately come upon the iron bridge, and there a foot toll is even levied on the dock labourers. The severity of that toll upon the district will be understood by the Committee when they observe that the whole of this district is inhabited by the humbler class of society. I suppose from this point down to here (*pointing on the map*) and up again towards Bromley, and right away to Stratford, the whole of the neighbourhood is one vast collection of machinery and works, and persons connected with them. Unless they live on the Middlesex side they must go over into Essex to reside. They swarm across this bridge morning and evening, and every time they have to go they pay a halfpenny, and every time they return they have to pay a halfpenny.

711. *Chairman.*] Is that a bridge across the Lea?—Yes, the ground here is not fit for habitation; it is a complete marsh. This district has earned the name, which the Committee will probably recollect, of "London over the border," so completely isolated has this toll made the whole of that district. There are two nests of workshops on either side. There are the iron works on the Middlesex side, and the great works on the Essex side; also the Victoria Docks. If a man wants to be at the Victoria Docks he must not live in Middlesex unless he is willing to pay a toll twice a day, nor can he work here (*pointing to the map*) and live in Canning Town.

712. That is in Essex?—In Essex. The population of this district is very much on the increase; considerably so. I believe there is a population running up towards Stratford of nearly 60,000 persons. The population of the Limehouse and Poplar district is 146,000 persons; therefore there is a population of over 200,000 persons, all of whom are connected with the industrial operations of the great works on the banks of the Thames.

713. Mr. *Jackson.*] It is your opinion that, if that bridge were set free, it would be a great accommodation to the labouring classes who reside in the vicinity?—I have visited personally with a view to answering the questions of the Committee every district marked upon that map, and I do not know any district which has greater claims than that.

714. Can you inform the Committee what is the amount of debt upon that road, including the debt on the bridge?—The debt, since the Act of Parliament was renewed in 1850, was reduced to something like 60,000 *l.* or 70,000 *l.* In 1849 the capital and debts of the various roads comprised in the trust, which amounted nominally to 191,000 *l.*, were consolidated into a capital stock of 122,000 *l.*, bearing interest at 5 per cent. per annum. Of this sum, 34,000 *l.* has been discharged since 1849 by money payments of 21,725 *l.* 5 *s.* 4 *d.*, leaving a balance of 87,710 *l.* still due. That is the return made to the Royal Commissioners in 1859. I understand that that debt is now about 60,000 *l.*

715. *Chairman.*] That bridge is a part of the trust, is it not?—It is part of the trust; it is not in the same arrangement as the Thames bridges; it is a turnpike road with a bridge, and it is the only turnpike road, I think, we can find with a bridge across it, which not only charges toll upon the horses, but also upon foot passengers. I believe that Lord John Manners' Bill for the reduction of the toll on Chelsea Bridge on Sundays, together with an agitation that I was connected with, in that district, had this effect that within the last 18 months, they have removed the toll on Sundays. Of course, as affecting the working classes there, it is a tax upon their daily earnings. The toll on Sundays was comparatively small. There was no analogy between the two cases of Chelsea and Barking; one led into the park, and it was material for the health of the people that they should go there on Sunday.

716. Mr. *Jackson.*] The powers to levy tolls cease in 1872?—The Act of Parliament is discontinued in 1872.

717. It would have to be renewed?—It would have to be renewed.

718. You think it would be a great public advantage by some arrangement for the payment of the debt, to throw open at once the whole of that road, including the bridge, to that district?—I do.

719. Are all these lines marked red, existing turnpike roads?—The Middlesex and Essex trust expires next year; that is out of debt, therefore it is hardly worth while to trouble the Committee about it; I believe Sir George Grey will deal with it as he has dealt with several other trusts, and not allow it to be renewed.

720. Will you explain the other roads to the Committee?—This toll (*pointing to the map*) is a local toll on one of the arms of the River Lea; the next is Lea Bridge, a very important communication with London, the only important main road until you get up as far as Waltham, between that and Barking Bridge; that is a turnpike road. There is a toll on it, but it is under these circumstances. The Act of Parliament passed in 1863; the scheme of removal was a metropolitan one, and not a county one. Consequently the Commissioners took powers to retain all portions of the roads beyond the metropolitan area. The Lea Bridge is one of those which they took powers to retain, and it is retained by the Metropolitan Roads Commissioners, though there is no debt upon it. There is a clause in the Bill enabling the Secretary of State, with the consent of the parishes through which those roads pass, to remove the gates.

721. Is there a bridge there?—There is a

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bridge there; there is no foot toll, it is a carriage toll; the traffic to all our markets gets through that road from Essex.

722. Does that bridge unite the two counties?—The bridge is a county bridge, though a turnpike one.

723. Do you know what is the amount of the debt due upon that?—None whatever; that is a matter that can be very easily dealt with, and I am sure the Metropolis Roads Commissioners will meet it; Sir William Jolliffe is the chairman, I believe.

724. What is the next?—There are two; the first a private toll across the Lea navigation; the second is a toll across the ferry; they are close together; tolls are charged at both, there is a good deal of traffic with heavy carts that way. It would be a circuitous way to go round by Lea Bridge or Waltham, the latter is still further north; the bridge is a little wooden private bridge across the Lea navigation; the other is the ferry bridge, there are two tolls charged upon them, one at one bridge and one at the other.

725. They are cross roads?—Both cross the Lea.

726. *Chairman.*] To whom do they belong?—I believe the ferry bridge is leased to the keeper of the ferry house or tavern next to it, that lets out boats for fishing.

727. Leased by whom?—Leased by the keeper of the tavern.

728. Mr. *Adam.*] Is there a toll both ways?—Yes, at both bridges; the traffic is to a great extent agricultural; hay, straw, and so on, going into that district; it is a road, which, by-and-by, as the town increases, will become an important outlet.

729. Sir *Baldwin Leighton.*] You say it is a private bridge; have they any Act of Parliament?—I believe not.

730. Then they can only get a remedy by an action of trespass?—It is a private road; they can close the bar and stop it. The next is the tunnel at Highgate; there is a debt due there to the Holyhead-road Commissioners amounting to 13,000 *l.*

731. Have you not missed one?—There is one below the Manor House, but there is no debt upon that.

732. Is there a gate there?—Yes.

733. Lord *John Manners.*] Is there not another that you have passed, one that is said to expire in 1866?—They are both metropolis roads, left out of the scheme of last year; they are marked "metropolis roads, expires in 1866." They are a portion of the metropolis roads left out of the scheme of removal of last year, on account of the county parishes opposition to the general scheme. The Bill was brought in merely for the metropolitan area, but a clause is inserted in the Bill by which, the county parishes signifying their assent to take the roads, the toll-bars can be removed; there is no debt upon them. The debt of the Highgate tunnel in 1861 was 13,000 *l.* The Government arranged to take 9,000 *l.*, to be repaid 400 *l.* a year for five years; 600 *l.* a year for the second five years; and 800 *l.* for the remaining five years. Fifteen years, therefore, after the 30th of April 1861, that will be free; the debt will be liquidated. At the present time it is in debt, and the toll remains there. Next to that is the Gate House toll in Highgate town. It is a toll levied upon certain descriptions of goods going into or coming out of the town, the townspeople being free. I believe it is in lease from the Bishop of London to the proprietor of the Gate House Tavern close by.

734. *Chairman.*] There is no debt on it?—I do not know; it is some very old institution; it is a toll which was collected in coming into London, and there it remains. To those in the neighbourhood who do not live in Highgate town in their communication with the district beyond, it is a very great annoyance, and it does not fall equally.

735. Sir *Baldwin Leighton.*] Is the money paid for the repair of the road?—No, it is a toll levied upon goods.

736. It is a tax?—It is.

737. From which the inhabitants of Highgate are exempt?—Yes, and as the town extends it completely shuts off the people in the inner part who pay for the large roads from communicating beyond.

738. What is the value per annum?—I do not know; it is levied throughout the whole of the roads of the town; not only on the main road.

739. *Chairman.*] Can persons easily avoid it?—No, I stopped there to ascertain if I could. I found there were three or four little boys sent down the road to see what was coming, and there was no evasion of the toll.

740. Mr. *Adam.*] Could you refuse to pay?—I believe several cases have been taken before the magistrates, and they have always succeeded in getting the toll; it is an old custom.

741. Mr. *Jackson.*] Now go to the west?—We come to Finchley New Road, which is here (*pointing to the map*).

742. Are there four gates on that?—There are a great number of gates there. The position of that trust is this. The tolls on the Marylebone and Finchley-roads were let last year for 2,480 *l.*, being an increase of 380 *l.* over the previous letting; and in May last 2,300 *l.* bonds secured on the tolls of those roads were redeemed by a cash payment of 1,380 *l.* That has reduced the amount of the outstanding bonds to 14,094 *l.* 14 *s.* 4 *d.* It is a proprietary road regulated by the 13 & 14 Vict. c. 103, passed in 1850. It is under the management of the Metropolis Road Commissioners. The Act commenced in November 1850, and is continued until the debt is paid, with the following proviso: "Provided that this Act shall not continue in force longer than twenty-one years from thence to the end of the Session of Parliament which will then follow."

743. *Chairman.*] When will that be?—In 1872, but there will be a debt on it at that date. It is true that these payments are reducing it very considerably every year, but I believe that these tolls principally arose on account of the railway works in the immediate neighbourhood; I do not think it is a true toll. I think that exceptional circumstances have caused the tolls to be paid.

744. Mr. *Jackson.*] What advantage would arise to the general public from having the debt paid off?—The parishes of Hampstead and Marylebone now repair that road, and whatever the amount of traffic upon it is, the traffic does not pay for it. The toll-bar is merely kept up for the liquidation of the debt. If the debt therefore can be purchased, the gates will go, there is no further liability, and you will relieve the neighbourhood from a very severe pressure upon it; you will also relieve the other roads, the free

roads in the neighbourhood, which have an unfair proportion of traffic on them because of the tolls on this road.

745. The parish of Marylebone is put to the expense of repairing the road without having the advantage of a free road?—Marylebone, and St. John's, Hampstead.

746. Mr. *Ayrton.*] Have the Commissioners any funds with which to pay the debt?—They are merely trustees for the collection and application of the money amongst those to whom the debt is due. They have no further interest in it. The tolls do not go into the general fund of the metropolis roads.

747. Lord *John Manners.*] Wherever there is a surplus from the tolls of these roads the Commissioners apply them to the liquidation of the debt?—They put them up to a kind of auction, allowing the different bondholders to bid, and the largest amount of bonds given for the amount stated is accepted by the Commissioners. In that way the debt is reduced very considerably every year.

748. Mr. *Jackson.*] When do you think the debt would be extinguished, judging from past experience; there is no way of dealing with that trust till the expiry of that Act of Parliament, unless the debt was paid?—If the debt was paid to-morrow the road would be free.

749. Now, will you come further west?—We have next the metropolis roads; then again metropolis roads, and again, and so down to Brentford town. The last "metropolis road" begins at Chiswick, just outside the boundary of the Metropolitan Board, and goes right away to Hounslow.

750. Where is the nearest gate to London?—Chiswick.

751. Have you given us Harrow-road?—That is a metropolis road.

752. What is the third road?—Harrow-road is the third; there are Edgware-road, Harrow, Notting-hill, Chiswick.

753. Do you think in the event of a fund being raised, I will not say from what source, to purchase all the bridges over the Thames, so as to set the communication perfectly free between the north and the south side of London, it would be advisable to include in any Act of Parliament that might pass, a sum of money to purchase and set free all these roads that you have been giving evidence upon?—I do; and the amount would be, comparatively speaking, very small indeed. One district, as I have been endeavouring to explain, is completely dependent upon its road; there is no bridge near it. All the north-eastern and eastern districts of London, which are more oppressed by road tolls than others, are the farthest away from the Thames bridges and the least dependent on them.

754. Therefore you think that if a tax was levied, whether a county or a local tax, upon the community resident in the north-east of London for the payment of the bridges across the Thames, a corresponding advantage should be given to them by freeing all the turnpike trusts in their vicinity?—I do not think it would be a fair method to levy any rate upon the population of Hackney, or the district of Limehouse and Poplar, unless those tolls which pressed at their own doors were included in the measure.

755. Therefore your view is, that the whole of the existing tolls on all the turnpikes and bridges communicating with the different counties, Essex especially, should be set free?—Yes.

756. Have you any more remarks to make with reference to the north side of the Thames?—Yes. There is a trust here in the Isle of Dogs; it is called the Poplar and Greenwich Ferry Company. Why it is so called I could not make out till I referred to the Act of Parliament. It appears that several years ago a number of gentlemen procured an Act of Parliament by which they were created a perpetual corporation, and the object of that Act was to create a ferry between Poplar and the Creek Bridge. They took powers to open roads and to make a ferry on the north side, and to run boats across the Thames, and to make some approaches, I believe, into Deptford, so as to make the communication complete. It is stated that there is a debenture debt of 5,800*l.* and 19,600*l.* capital stock. The result is that there is no communication except by steamboat, and that is not in the hands of the company. There is this large debt existing; two toll-bars are kept on the other side, and the whole neighbourhood is rendered almost isolated from communication by vehicle with the Essex side. The tolls are let for two years at 700*l.* per annum. All this is done by a body of gentlemen who brought in an Act of Parliament, the provisions of which they have not carried out in regard to their communication between the north side of London and the south.

757. How far east and west do the ferry rights under that Act of Parliament go?—They were to go from Poplar into Deptford. They were examined on the subject before the Royal Commissioners, and they admitted that they had not carried out the ferry purposes.

758. I want to know how far Parliament has given them the power of ferryage on the Isle of Dogs?—It was from a spot marked black, just above the Deptford Creek; they did not use it.

759. Generally speaking, every ferry right possesses the sole right of carrying passengers on the banks of a river or a creek within such a distance east or west, north or south; I want to know whether they have the sole right of carrying persons over that identical spot where a ferry is?—I will read you the evidence which they gave before the Royal Commissioners: "Yours is not a regular turnpike road?—No. Is it a road in connection with a ferry?—Yes; there is a ferry from the southern part of the Isle of Dogs across to Greenwich. Do you collect the toll by means of a toll-gate; does the toll that you collect on the road frank a person over the ferry?—The ferry passengers pay a toll of one penny for the use of the landing-place or causeway. There is a toll-gate at the end of the ferry where the toll used to be collected; that toll has not been taken for some years, but the Potters' Ferry Company have paid a rent to our company in lieu of it. The Potters' Ferry Company are entitled to ferry passengers across the river, and those passengers are liable to the payment of the penny toll to the Poplar and Greenwich Ferry Company, by the Act 54 Geo. 3, c. 171, s. 2, which is not in fact levied. For the use of your road?—For the use of the causeway to the river's edge."

760. Mr. *Jackson.*] In their Act of Parliament, does it say how far the limits go?—It says, "From or near a place called the Wood Wharf, in the said parish of Saint Alphage, Greenwich, to the opposite shore, at or near a place called the Ferry House, in the Isle of Dogs Marsh, otherwise Poplar Marsh, in the hamlet of Poplar and Blackwall, in the parish of Saint

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Dunstan, Stebonheath, otherwise Stepney aforesaid, in such a situation or situations, as by the said Company shall be thought most advisable, and to turn, widen, and alter the present roads, lanes, and ways, in manner hereinafter mentioned, leading to the said Wood Wharf aforesaid, and also to the said house called the Ferry House, and also to make, pave, maintain, widen, and keep in repair, a convenient road or carriage-way from the Wood Wharf aforesaid to the road leading from the Deptford Creek Bridge, and the parish of Saint Paul, Deptford, in the county of Kent, to Church-street, in the parish of Saint Alphage, Greenwich, aforesaid; and also a certain other new and convenient carriage-road leading from the north side of the premises of Sir Charles Price, Bart., near the bridge at the west-end of the canal in the Isle of Dogs aforesaid, and from thence into and through Poplar Marsh, otherwise Stebonheath Marsh, in the parish of Saint Dunstan, Stebonheath, otherwise Stepney, in the county of Middlesex, to the River Thames." They have power to pay a certain sum of money to the Deptford Creek Bridge, so as to use it as a communication.

761. Mr. *Ayrton.*] Is the Commercial Road trust the same as the Barking Iron Bridge?—It is all one trust.

762. Mr. *Jackson.*] South of the Thames, there are two turnpike gates on the map, marked underneath "expired in debt," what is the state of those?—An application has been recently made to Sir George Grey, in connection with the trust; it is a trust commencing just outside Greenwich, and runs to this side of Woolwich (*pointing on the map*), the greater proportion of the road is in Greenwich, and the smallest proportion, I believe, in Woolwich; there is a debt claimed for 2,400*l.* upon that trust; it was intended that that trust should have expired on the 1st of November this year, unless the parties could show a case before a committee, but they withdrew their Bill, and they made an application to be re-continued in this year's annual Act. An application was made to Sir George Grey by a deputation, that that should not be allowed, but that inasmuch as Greenwich, Woolwich, and Charlton, were already contributing a certain sum of money towards the payment of the debt, that sum should be collected in one amount, the debt paid off, and the road set free with the other roads on the 1st of November this year; and the reason given was this, that it was keeping up that toll-bar on the London side of Woolwich, and having no gate on the London side of Greenwich, the town of Woolwich would be enabled to get to the London markets, and the whole of the London district, whereas Greenwich would be prohibited, and also inasmuch as Woolwich was compelled to draw by the lower road, all its supplies of meat, flour, and a good proportion of its vegetables from the London market, it would be very unfair to let one town stand in the way; that is the application that was made, and I believe the Home Office are in negotiation with the parishes, with a view of trying to liquidate that debt from the subscriptions of the parishes.

763. Then you come to Deptford Bridge; what have you to say respecting Deptford Bridge?—I think the toll-bar is placed in such a position that the neighbourhood is made almost a waste ground, I do not see anything at all moving about; it seems to shut the vehicular traffic entirely off.

764. It shuts up the district?—It shuts it completely up; I have been there on two occasions, and it seems like a deserted wilderness. I drove through it, and I have walked along the road, and I never met with any other conveyance except my own.

765. Do you consider that the toll on that bridge has had the effect of depopulating the district?—I think it is very unfair to allow that toll to exist, because you must throw the traffic off from the main turnpike road, and cause the vehicles to use a larger proportion of the parish road than they would use if the communication was free. I believe the toll is 1*d.* for every foot-passenger.

766. You consider it essential, in the event of the other bridges being set free, that that should be set free also?—Most decidedly.

767. Sir *Baldwin Leighton.*] Is it a bridge toll or a road toll?—A bridge toll across the creek; it communicates with the workshops in the back streets of Greenwich-road; it is not seen going from London down to Greenwich. If you were at Rotherhithe and wanted to get across to Greenwich or Woolwich you would choose this road.

768. To whom does it belong?—I do not know; I believe to some private company.

769. Is there a turnpike road on each side of it?—There is a gate.

770. Is there a turnpike road on each side?—The bridge is in the streets of the town amongst all these works; the turnpike road towards the south.

771. Mr. *Jackson.*] I see you have marked the population on the map at 86,000?—The population of Greenwich and Deptford is 86,000; and that population next the water must use this toll-bar; otherwise they must go right into Deptford-road.

772. *Chairman.*] There are immense manufactories there?—Yes; and a great deal of ground lying waste.

773. Mr. *Liddell.*] Where is the district you have described as an uninhabited district?—Portions of Deptford, down by Deptford Creek Bridge.

774. Between Deptford and what other place?—And the Greenwich side.

775. Sir *Baldwin Leighton.*] I thought the bridge toll was in the waste place?—Yes.

776. Did you not say that it was in the town of Deptford?—It is in the town of Deptford; I believe both sides of the creek are in Deptford.

777. *Chairman.*] It divides Deptford from Greenwich, I think?—I do not know that the population here on the London side is quite so scanty; it is all in this neighbourhood (*pointing on the map*).

778. Mr. *Jackson.*] I believe you are of opinion that the metropolitan police district should not be the area?—I am decidedly of opinion that the metropolitan police district, if adopted for the purposes of rating, either for coals or for a rate, would inflict a considerable amount of injustice upon the persons in it. The town of Staines, for instance, on the south-west corner of Middlesex, is now within the metropolitan police district. The county boundary comes slightly over into Surrey. The bridge is declared to be in the two counties; but though the toll of this ground comprising the town is in the metropolitan police district on the Middlesex side, all this area on the Surrey side is left out. The consequences would be

be, that if it should be decided that these bridges should be set free, you would give an immense advantage to all this area (*pointing on the map*), and you would make the other portions pay for it.

779. Would not that be remedied if a rate was laid for the purchase of these bridges upon the counties of Surrey and Middlesex, so as to bring upon the counties the cost of maintaining the bridges, and having the advantage of their being set free?—I do not think it would be just to levy a rate upon Middlesex and Surrey, which would include the bridges across the Lea; nor do I think that it would be just to levy a county rate upon Middlesex and Surrey for the purchase of the Thames bridges, for this reason: the communication of Kent is very considerable over our Thames bridges, and with the exception of very distant towns, indeed, all the persons in the county of Kent are interested in the removal of the Thames bridges quite as much as the people in the northern part of Middlesex; the traffic of the metropolitan area comes from extreme points to our markets, as well as to different places about them; you will find that at Whitechapel Market, Smithfield, and Cumberland Markets, vehicles are there from all parts of the four counties. Then, again, you will find the traffic from the remote parts of Middlesex will come along through Surrey over the Kingston Bridge into Hampton Court; you will also find that from Notting Hill and Hammersmith traffic will go right across Lea Bridge into Essex. On Friday last I noticed carts from Southwark, and from Kent, on the other side of Barking iron bridge in Essex.

780. Mr. *Liddell.*] Is not that what you may call accidental traffic; it is not regular traffic that you are now speaking of; seeing a cart belonging to a particular place does not show that there is a regular traffic to and from that place —I took the traffic to ascertain the supply of the markets in 1859, for the Royal Commission, and I find it just the same in that year; it is a constant supply.

781. *Chairman.*] What was the Royal Commission?—A commission on turnpike tolls, that was to find an area and provide a fund for the repairing of the roads; I found on that occasion that for a considerable number of miles distant, from all parts of the four counties, we had vehicles at Covent-garden, at Smithfield, Cumberland Market, and Whitechapel.

782. Sir *Baldwin Leighton.*] Did you ascertain over what bridges the traffic came?—No, all the particulars that I gave are printed; they will show you the towns where the traffic came from; we see Wandsworth vans at Charing Cross; the Chingford millers supply Tottenham Court-road, and the Wandsworth millers supply other parts of London; I think you would find the traffic distributed over the whole of the area and the more these gates were removed the more the traffic would increase.

783. The Kent traffic does not go over Vauxhall Bridge, I suppose?—I do not know; I should rather assume that it did. If you will look at the map you will see that it would be almost worth while for persons from Kent to come over Vauxhall Bridge instead of going round, if they wanted to go to Hyde Park Corner or Pimlico.

784. There is no market there?—It is not merely a question of supplying markets. I only mentioned that as an instance of what I can positively speak to. I think you will find that there is other traffic of a miscellaneous sort.

785. You have not statistical information upon that point?—I have statistics of the places that the traffic comes from. I have statistics drawn out of what I observed within the last three days and what I took in 1859.

786. I want to know what proportion of the Kent traffic goes over the different bridges?—That I cannot tell.

787. Mr. *Jackson.*] If a grower of produce in Kent wanted to supply the north-west of London, he would not go through the crowded City, over London Bridge, but would go right along the Surrey road until he could cross the Thames at the nearest point?—That is so. You find carts from Charlton and Lewisham constantly passing to Covent-garden.

788. Sir *Baldwin Leighton.*] Where do they come over; Waterloo?—I cannot say that; at all events, I should submit to you, whatever way they did come, that which would facilitate their communication and reduce their mileage would be of great importance to them.

789. You were saying that Kent ought to pay for these bridges?—For that reason, that any removal of obstruction to the natural flow of traffic, which, by reducing their payment, or by reducing the mileage of the ground over which their vehicles would have to travel, the shortening of their journey would be an advantage, and they ought to contribute to the payment for it.

790. We ought to know what that advantage would be, and how many vehicles come over?—The proportion of the county of Kent within the police district is very considerable indeed. I believe it represents very nearly a third of the county.

791. Mr. *Ayrton.*] In value?—In value.

792. *Chairman.*] You mean that an equal distribution of the traffic, wherever it comes from, must be a public advantage?—A public advantage felt by the four counties, and not by the two counties alone. The largest proportion would be paid by Surrey and Middlesex. A very considerable proportion of the amount which would have to be paid would be paid by the district close upon the area set free.

793. Is there not a fifth county, the City of London?—The City of London is included in any arrangement required to be made.

794. Lord *John Manners.*] Do I understand you to say that if this great improvement is to be carried out by rating, the counties, you think, the four counties you have named, ought, for the reasons you have stated, to be the counties so rated?—Yes; Essex, Kent, Surrey, and Middlesex.

795. Mr. *Jackson.*] Middlesex, including the City of London?—Including the City of London.

796. Sir *Baldwin Leighton.*] Would it be just for Dover to pay for the bridges, do you think; ought the whole of the counties to be rated equally?—I believe, as the law stands at present, it is compulsory upon the counties to repair those bridges.

797. Not these bridges?—The county bridges. There is a partnership between the two counties where they do pay, if the bridges happen to unite the two counties.

798. Are you aware whether there is any law empowering county magistrates to buy or build

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bridges?—I am not able to give an answer to that question. I know that the counties of Middlesex and Surrey have built bridges. They have built a bridge at Chertsey; that bridge is built by the two counties, and maintained by them.

799. Was not that a rebuilding of an old bridge?—It certainly bears a very old date; I think it is about 60 years old.

800. *Chairman.*] What is Staines?—That is in a state of insolvency. It has been in the hands of the mortgagee, Mr. Levi, 22 years; the debt upon it is 80,500 *l.*; the amount of interest paid upon that bridge by Mr. Levi to the bondholders, is 1 per cent. There is no foot toll upon it.

801. Mr. *Ayrton.*] Will you explain what is Wandsworth Bridge, marked on the plan?—Wandsworth Bridge is not made.

802. What is it?—The Act passed in 1864; it takes power to raise 80,000 *l.*, and to borrow 20,000 *l.*, to make a bridge from Wandsworth parish to the parish of Fulham.

803. Has that been commenced?—I do not know.

804. Mr. *Ayrton.*] What is the Albert Bridge on that plan?—The one to the north of Wandsworth. The Albert Bridge Companies' Act was passed in 1864. They have power to raise a capital of 90,000 *l.*, and to borrow 30,000 *l.*; that is to purchase Battersea Bridge. Then I believe there is another Albert Bridge for Putney and Fulham.

805. The other is to purchase Battersea Bridge?—Yes.

806. Has anything been done under that?—I have not heard that there is.

807. Mr. *Jackson.*] You are of opinion that a rate should be laid upon the four counties for the purpose of purchasing and setting these bridges free; who would you have to maintain them in that case?—The common law is that the two counties should maintain the bridges; that is already a settled principle.

808. You would not have the four counties maintain them?—Decidedly not.

809. Mr. *Ayrton.*] Do you see any distinction between the metropolitan bridges which are for the convenience of the parishes within the metropolis and the county bridges which are thoroughfares between the two counties, and not for the mere parishes on each side of the river?—There is that distinction. There are four bridges in this part of the map (*pointing to a map*), Kingston, Hampton Court, Walton, and Staines. It is plain that Hampton Court and Walton Bridges are local bridges, whereas Staines and Kingston are public highways, main trunk lines.

810. Mr. *Jackson.*] Kew Bridge?—That I take to be almost in the nature of a local bridge. Richmond Bridge is free.

811. *Chairman.*] Who built Richmond Bridge?—It was built out of capital which was, I believe, raised upon annuities. It has been recently thrown open; they have a fund for the repairs.

812. Mr. *Jackson.*] As Kew does not unite the two counties, you call it a local bridge?—Yes, it does; it is between Surrey and Middlesex. What I mean is the communication over Kew Bridge does not go into the distant parts of the county, as it does at Kingston. It is plain that the traffic of London into this portion of Surrey, and even Berkshire, goes that way through Kingston.

813. Mr. *Ayrton.*] Kingston is the Portsmouth road, is it not?—And Staines. Staines and Kingston are about the same, I think.

814. Mr. *Jackson.*] Would it not be a great advantage to the public if the toll was taken off Kew Bridge; I mean to the people who visit Kew Gardens?—Most decidedly, and the same as to Hampton Court. Hampton Court Bridge is hardly finished.

815. Have you described to the Committee all the tolls within the limits of the metropolitan police area, or of the four counties, or have you confined your description to those that bear immediately upon the limits of the metropolis?—I have described all the road tolls in the metropolitan police district which are on the borders of the Metropolitan Board of Works. There is one, the Bedfont and Bagshot trust, but beyond, not in the borders of the metropolis.

816. Are there not many other tolls on trust within the limits of the metropolitan police district, within the four counties?—Within the four counties there are, not within Middlesex.

817. Within the metropolitan police district, within the four counties, are there not many other tolls?—Yes, there are in Essex.

818. And in this district of Surrey?—No; I think the removal on the 1st November will clear all those with the exception of the Dulwich roads and Woolwich.

819. Mr. *Ayrton.*] Is there not a bridge called Twigfolly Bridge, on which a toll is levied?—That bridge must be the one across the arm of the Lea, below Middlesex and Essex. It is a private bridge, I think.

820. There is a toll upon that, I think?—It is a purely local matter; the Middlesex and Essex line represents the road to Stratford, and I believe in order to get over it you have first to get into the main turnpike road.

821. Mr. *Hanbury.*] You were giving us information about Staines Bridge, will you continue that; do you not consider it unfair that such a bridge should not be included in our inquiry?—I have already stated so. I went on Saturday for the purpose of ascertaining what the situation of the bridge is; I think that is a main trunk. It used to be one of the most important communications in olden times. It is evidently now a main highway.

822. A great isolation is caused in the district by the toll?—Very great, indeed; it is almost a deserted village.

823. How much are they receiving per cent. now?—One per cent., I believe.

824. They paid 4½ per cent.?—Money was raised at 4½ per cent., but for many years they have been only receiving 1 per cent. I made inquiries, and I was told that bonds for 600 *l.* were sold within the last few years for 70 *l.*, and that another set worth 1,700 *l.* sold for a hundred guineas.

825. Chertsey Bridge; do you consider that a county bridge?—It is a county bridge; it bears the notice of the county upon it. It is just below Staines, between Walton and Staines.

826. Are there any other bridges on the turnpike road into Staines from the metropolis?—There are some bridges across some streams. I made inquiries, and I was told that the county paid to the Turnpike Commissioners the cost of repairing and keeping up those bridges.

827. Then they are toll-free?—There are no tolls on them, but they are part of the turnpike road.

828. *Chairman.*] With regard to the evidence you have given it appears that the tolls will now be

be very unequal; on some roads going out of London you may go a long way without paying toll, while on the other hand toll will be paid very near to London?—That is not so in the district of the Metropolitan Board of Works. The toll in Middlesex on the roads which are maintained by the Metropolis Roads Commissioners are all equal, twopence per horse. The gate is of necessity placed as near the metropolitan district as it is expedient to collect the toll. Certainly pressure would fall upon the parishes out of the Metropolitan Board of Works.

829. What I meant was this, that on some roads you may go 10 or 15 miles without paying any toll; on the Surrey road you would be able to go further; but when you get into Essex and the eastern parts the gates are very thick?—Yes, very thick.

830. Mr. *Tite.*] Is there a toll at Camberwell?—That is to be removed on the 1st of November. The tolls on the whole of that area, the southern part of London, represented by the limits of the Metropolitan Board of Works and a considerable space below it will be removed on the 1st of November.

831. Mr. *Ayrton.* What part of Kent abuts on any of the bridges that you propose to free from toll?—No part of Kent; Deptford Creek Bridge is in Kent.

832. Altogether in Kent?—Yes.

833. As regards other bridges?—I think the county of Kent is as much interested in the removal of the gates, from its situation and from supplies that are drawn from it.

834. But upon the principle of the bridges being in two counties, would any bridge affect the county of Kent except Deptford Creek Bridge?—Not upon that principle in the abstract.

835. As regards the county of Essex, would any bridge be affected except Lea Bridge and Barking Iron Bridge?—The two bridges at the end of the Seven Sisters Road.

836. In the county of Essex?—Yes, they are across the Lea; it is the boundary.

837. Then the whole of the other bridges would be between the county of Surrey and Middlesex?—Yes.

838. Mr. *Tite.*] Have you any notion of the rateable value of the four counties?—£. 18,720,000.

839. The annual rental?—The county rate.

840. Not including the city of London?—Yes.

841. *Chairman.*] What year is that?—It is made up from the last population returns, 1862.

842. Mr. *Tite.*] Correcting that figure as you may do, have you made any calculation of what sum of money will be wanted, and what will be the amount of rate in the four counties, presuming it to be the sum you have stated?—The greatest difficulty, as it seems to me, would be the price you would pay for the bridge, or what scheme you would adopt for payment; whether you would adopt the principle of the Turnpike Commissioners in the case of bad debts.

843. What principle is that?—That principle is explained in the last report of the Metropolis Road Commissioners; they pay off by tender. So much money is raised, and is offered to the creditors. That has been found to operate, I believe, very usefully in regard to bonds upon turnpike trusts.

844. Mr. *Ayrton.*] How do you mean?—I will illustrate it by the Marylebone and Finchley Roads. There are bonds out amounting to a certain sum of money. The Commissioners stated that they had 1,380 *l.*, in May last, to give away to the bondholders, and they paid that 1,380 *l.* for 2,300 *l.* worth of bonds. That plan, I believe, has worked very well indeed.

845. Sir *Baldwin Leighton.*] If a person does not choose to take it, he may let his money go on?—Yes. It would be a good principle in regard to the purchase of bridges. As soon as it was known, you would find that the price would decrease, and people would be glad to sell at a reasonable figure. If you opened two or three of those bridges to the public, you would reduce the demand of the others. If you open a free bridge or road you destroy the anxiety of people to keep up tolls.

846. If I am an obstinate man, and will take nothing less than 100 per cent., I must be paid 100 per cent. by the Turnpike Act?—There is another mode of dealing, and that is to build another bridge.

847. Mr. *Tite.*] You think that an equal rate over the four counties would be the best means of paying for the bridges and getting rid of those tolls on the roads?—Yes.

848. Also for maintaining them?—No, I think they ought to be maintained by the counties in which they are situated.

849. As other bridges are?—As other bridges are.

850. Of course, when these tolls were all taken off, the hackney carriages, omnibuses, &c., would be free of toll. Can you give any information of the amount now paid by them?—Cab-owners do not pay toll.

851. Do not the omnibuses?—Nothing to speak of.

852. Not across the bridges?—They do pay over Waterloo Bridge; with the exception of Waterloo Bridge and Hammersmith Bridge, I do not think they use the toll bridges very much. In fact, you generally find that they have their stations on the London side of the bridge, so as to avoid the toll. That is, of course, a drawback to the neighbourhood beyond.

853. Be it much or little, you cannot tell us anything about it?—I know they cross Waterloo and Hammersmith Bridges.

854. Do they not cross Vauxhall?—I believe not, unless they are railway omnibuses. In cabs, the hirer pays the toll.

855. With regard to the toll in the Isle of Dogs, it has not prevented, as far as I have been able to perceive, the enormous improvements there, the creation of Cubitt Town, and of those large manufactories round the edge of the Isle of Dogs?—No.

856. Yet you have to pay a toll going into the island?—A carriage toll, not a foot toll.

857. The whole of that vast property has been created in spite of the toll; is it a heavy toll?—I believe it is 4 *d.* per horse.

858. Mr. *Ayrton.*] Into the Isle of Dogs?—I think it is not paid on the part that goes into Cubitt Town. Cubitt Town is free from toll.

859. You do not know how that is?—I believe Mr. Cubitt, at one time, put up a toll and removed it for the benefit of his own estate.

860. He made some arrangement probably with the Commissioners?—I do not know. That is not in the trusts. All this space (*pointing on the Map*), and the centre of that island is now grass land.

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861. Mr. *Tite.*] I was speaking of the fringe, the edge where all these manufactories have just been created, the Government having a large one?—That is this side.

862. It is on the other side. All that has grown up within our own recollection; manufactories and iron shops to an enormous extent?—Yes. You can get round here (*pointing on the Map*), without paying toll, but if you come out here, you have to pay toll.

863. On the east side you can escape toll?—On the east side you escape toll.

864. And that enables Cubitt Town to escape it, in your belief?—I am told that none of the people pay going into Cubitt Town. There are persons here who use the road, and I am informed that they do not pay.

865. With regard to Barking Bridge: do you know that has fallen more than once?—I am told that there is some notice about carts with heavy weights upon them.

866. That is one of the causes perhaps of the great debt upon that road?—No, I think the debt originally arose from making a tramway into the docks.

867. You mean along the Commercial-road?—Yes.

868. That is a long way?—It is the same trust.

869. From Whitechapel?—No, the Commercial-road.

870. That begins at Whitechapel?—No; this is the Whitechapel-road (*pointing to the Map*).

871. I mean at the beginning of Commercial-road. Is Church-lane the beginning of Commercial-road?—Yes.

872. And it continues in one trust down to Barking?—It does.

873. The debt which you speak of applies to the whole of that?—Yes.

874. And you attribute a good deal of that to the laying down of the tramroad to the docks?—Yes.

875. By Mr. Walker?—Yes.

876. Deptford Creek is crossed by a railway bridge; has that interfered at all with the bridge there; is there any right of way over that?—The creek is crossed on the south side. This is between the railway and the river.

877. Do you recollect when the bridge was established?—I do not. I never saw it until within a month ago. It is very little used, I believe. It would be used a great deal by the Rotherhithe and Bermondsey people, and for the traffic going to Greenwich and Woolwich.

878. Lord *John Manners.*] If free?—If free.

879. Sir *William Jolliffe.*] It would be used, but the toll prevents it being used, because I suppose the people can pass by other roads in the same direction by going round?—Yes; it is a very steep incline, and a bad approach.

880. By a circuit, they avoid this incline?—And avoid the toll also.

881. Is it not the case that every toll bridge marked on the map abuts upon the two counties of Surrey and Middlesex?—Yes, on the Thames.

882. Barking Bridge and Lee Bridge abut upon Essex?—Yes, they abut upon Essex.

883. Those are the only toll bridges that do abut upon Essex?—There are the bridges in continuation of the Seven Sisters Road at Tottenham. They are marked together; two small wooden bridges.

884. They are in Middlesex?—In Middlesex and Essex.

885. Then there are no toll bridges that abut upon the county of Kent?—No, none; but the commencement of Kent is very near to the Thames.

886. There is no bridge communication across?—There is no bridge communication across.

887. Do you say that a district should be formed that includes the whole of the county of Kent, or only a small portion of the county of Kent, for the purpose of taxation with regard to freeing the bridge?—There is a larger proportion of the county of Kent already within the Metropolitan Police district.

888. Not as compared with the whole of the county; that is very small?—It is about one-third of the value of the county rate.

889. But, in point of extent, it is very small?—I can conceive that very distant parts of Kent might think themselves aggrieved by paying for this communication, and their might be an exception in their favour; but I certainly think that Kent altogether ought not to be left out of any scheme of rating.

890. But with regard to any other counties than Surrey and Middlesex, surely the distant parts of those other counties would be extremely injured by having to pay for the redemption of so many tolls that abut upon those two counties only?—As regards Kent, the Kent traffic comes direct to our market.

891. The market traffic; does not the general traffic of the county?—The traffic of Lewisham, Woolwich, Plumstead, and all that district.

892. All the district of Kent, which is near the metropolis; but inasmuch as the district which is near the metropolis is a very small proportion of the county, it would be a great hardship to include the whole of the county in such a taxation as that?—It does seem that an exception might be made in the case of remote towns, but it is the fact that the London bridges are used by a great number of people residing in the distant towns of Kent.

893. And in the distant parts of England, the north, and west, and everywhere else?—Not the local traffic.

894. The local traffic down below Chatham and Canterbury surely has nothing to do with the traffic over the Thames, any more than the traffic that comes from the county of York?—Not so low down as Chatham; certainly not.

895. Which is the district that you wish to recommend this Committee as the district to be taxed for the tolls; is it the whole of the four counties; is it the metropolitan district; or is it the Metropolitan Police district?—The Metropolitan Police district I certainly think could never be the area of taxation.

896. Why not?—Because the limits of the Metropolitan Police district terminate arbitrarily on the south side, just opposite Sunbury, and all the district west of that point would be free, and is free now from the imposition of the coal tax, while, on the other side of the river, the Metropolitan Police district has its mark, and that portion pays.

897. If you adopt the Metropolitan Police district, that already is an area which is recognised for taxation with regard to the coal tax?—Still I think that area is not a fair one. I think the old area of 20 miles was a much fairer one.

898. You think that the whole of the counties of Middlesex and Surrey would be a more fair district to be taxed than the Metropolitan Police district?

district?—I certainly do; the whole of the county of Middlesex is within the Metropolitan Police area, but the whole of the Surrey county area is not at the present time.

899. If the parish of Walton is taken in, all those parishes would be within the district?—Yes.

900. There is not one parish excluded I think; does Staines Bridge abut upon Surrey or Berkshire?—It is declared to be part in Surrey; I believe it is altogether in Middlesex, because the Middlesex boundary goes over the river.

901. What is your distinction between a local bridge and a district bridge?—Only in the general character of traffic and the use which is made of the bridge.

902. If it was free, the traffic would be changed?—Certainly.

903. Then it might be very much more than at present?—Certainly.

904. So that what you call a local bridge would be a bridge of general traffic?—Yes; and there is this additional reason why they should be all adopted together: if you leave one, you throw the traffic upon the bridge you set free unfairly; you cause a divergence of an unfair proportion of traffic upon the free bridge; that we have already seen with reference to Blackfriars and Westminster Bridges; and of course the cost of repair is greater.

905. In the county of Surrey you have omitted sundry tolls at the extremity of the Metropolitan Police district south of Croydon, between Croydon and Reigate, and so on, as marked on that map?—I have endeavoured to explain that I have only marked the road tolls as far as they were within the limits or immediately on the border of the limits of the Metropolitan Board of Works.

906. Mr. *Liddell.*] You represent a successful agitation which has been carried on some years against the tolls on the Metropolitan roads, I think?—Yes.

907. May I ask how many years you have been engaged in the praiseworthy attempt to get rid of these tolls?—Nine years.

908. Did you find great resistance on the part of the parishes to undertake the charge of their own roads which led to the abolition of the tolls?—I believe, with one exception, we never had the consent of a parish, but continued opposition until this year. The passing of Sir William Jolliffe's Act, the year before last, has made a great change in the opinion of parishes, and instead of their being violently opposed to the removal of gates, they are anxious for their removal.

909. Practically, you have for eight or nine years met with constant and determined opposition from the parishes in undertaking the care and maintenance of their roads?—Constant.

910. You say that having effected this great reform, it would be well to buy up, if possible, the bridge tolls. Do you not think it is fair to expect an equal, if not a greater amount of opposition from the four counties over which you intend to spread the payment of the rate necessary for the purchase of these tolls, judging by your past experience?—I have no doubt there will be, for the reasons suggested by Sir William Jolliffe; there may be opposition on the part of Kent, and, perhaps there may be some reason for that opposition; but I cannot see that a grand measure of removal of toll-gates which affects so importantly the whole metropolis, and of which the metropolitan area itself must certainly pay the largest proportion, could be opposed successfully by what I should call the county interests. I should rather assume that the influence would be given in support of such a scheme.

911. The people in the metropolis will benefit the most by the abolition of the bridge tolls?—They will; they will pay the greatest amount of the burden.

912. I understand your scheme to be that the rate for the purchase of these tolls was to be spread equally over all the four counties?—I said so at first.

913. But you have lately seen reason to modify that opinion, in the course of this conversation?—The Honourable Member put a question to me with reference to some distant towns in the county of Kent, which are very remote from the metropolis. I think there may be a good deal of reason why there should be some separation of the county, but certainly not the whole of it.

914. You admit that the metropolis will benefit most by this change, and that the remote parts of these counties will benefit to a much less degree; is it fair to place a burden upon all these four counties equal to that which you propose to place upon the metropolis?—I hardly think the burden is equal, because the value of the property beyond is not so great as that which is within the area, therefore it will only pay *pro rata* to its value. If the metropolis now is to pay for the repair of the bridges in the county of Middlesex and Surrey, which connect the other counties 30 miles away, it is only fair that they should have the roads and bridges repaired. I think the question of repairing and making ought to go together.

915. Mr. *Ayrton.*] Have you looked into the county rates of the counties to which you have referred, to see whether there is any item of expenditure for roads and bridges?—Yes, I have been able to see one. The county of Middlesex pays for the repair of bridges, and of course the county of Surrey.

916. Can you give the particulars of the last county rates?—I have not the list of the county rates, of course they can be ascertained.

917. Sir *Baldwin Leighton.*] It is only for the repair or rebuilding of old bridges?—The rebuilding of old bridges.

918. County magistrates have no power to build a new bridge except in place of an old one?—Except in place of an old one; still it is a new bridge.

919. They have no business to place a bridge where there has been no bridge before?—No.

920. They are bound to keep their bridges in repair?—Yes, and that is charged to the county rate. In Chertsey, some years ago, the metropolitan people who contributed to the county rate had to pay for that bridge.

921. That was an old bridge?—Still, whether it was reinstating an old bridge or making a new, the cost was borne by the county.

922. Are you aware under what circumstances you can build a bridge and throw it upon the county?—I have seen two legal opinions, and one is one way and the other the other way. I would rather not say a word upon it.

923. Are you aware whether the county are obliged to repay you for building a bridge?—I have read the opinion to-day of Mr. Serjeant Hayes that Staines Bridge is a bridge which the counties are bound to repair and take to; I have read

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read also the opinion of the clerk of the county of Surrey, stating that the law is the other way. I cannot reconcile the two.

924. Perhaps you do not know what the law is about a person building a new bridge?—I would rather not answer a question upon a subject that I have not made myself acquainted with.

925. It is nearly the same as buying one of these bridges, is it not?—I only speak to the fact of Chertsey Bridge being built, and the charges borne by the counties of Middlesex and Surrey.

926. You were talking about this bridge in London over the Border, where there was a toll that was a very great hardship upon the poor people. Do you think if the toll was taken away it would improve the property very much in "London over the Border"?—There cannot be a doubt about it; that bridge has been a tax upon every house built on the other side.

927. There would be more houses built, I suppose?—Yes, of a better class, I should suppose.

928. And the rents higher?—Possibly so; I do not know that that follows. I think there would be a great number of houses.

929. A man can afford to pay a higher rent if he saves 6*d.* a week in tolls?—I do not think much.

930. The Essex county rate would get its contribution from the higher rent. A poor man could afford to pay 6*d.* a week, could he not, in house rent, if he could not get a better house?—I think it is more a tax upon a man's labour; almost a tax upon his means of subsistance.

931. You think that taking the toll off would benefit the landlord and benefit the labourer?—I have no doubt about that.

932. How would it benefit the landlord?—That is a wide question.

933. You say he would not get a higher rent?—He would be benefited equally with his fellow men; being a householder he would also be benefited.

934. *Chairman.*] Do you not think that the value of land would rise if the bridge was free; would not the proprietor get a higher rent?—I would rather not answer that question as regards this particular district.

935. You have no doubt that a great many more houses would be built, and that the owner of the land would get a great advantage?—The price of the land in every case where a toll has been removed has been increased. It is not exactly that the value of the buildings has been increased, but that houses of a better description have been built. When the turnpike gates were removed at Tyburn and Hyde-park Corner, the whole of Belgravia sprang up.

936. Sir *Baldwin Leighton.*] Has it struck you that it might be juster for the landlords of London over the Border, the district which would be so much improved, to pay a larger proportion than other people for the abolition of the toll?—I do not think they ought to pay a larger portion than other people.

937. Why not; if they are particularly benefited by it?—I do not think it would be fair in the case of a turnpike road; and I submit that a road toll, as far as the debts are concerned, and a bridge toll are directly similar. The money is raised for and applied to the making of a way for the public at large, and not for the mere occupiers or landowners of the neighbourhood; and in that view I do not think that any exception ought to be made, and that the rating ought to be a general one.

938. Are you aware of the great number of roads that have been made under turnpike trusts; you used the word "made"?—Made or repaired.

939. Or improved?—In the case of roads made by proprietary trusts, they took the security of the tolls, and therefore they are in the same category.

940. You think that a private bridge is in the same category as a public road?—As a proprietary road, decidedly; I submit that they are in the same position.

941. What do you call a proprietary road; a road that has been entirely made by a set of proprietors, and a toll set on it?—Yes.

942. There are not many such roads in England, are there?—Yes, there are two in London; we dealt with one last year; the Kentish Town-road was a proprietary road; the money was raised by subscriptions; then there is the Dover-road, and I could enumerate others.

943. Are you aware of the cost per-cent. of collecting tolls on bridges?—I have not calculated that.

944. Have you any idea what the proprietors would ask for the bridges?—No; I have no doubt that this inquiry will make them ask a great deal more than they would have asked if there had been none. It will induce a price which would not have been asked, if the bonds had been put up at public auction.

945. You mean a higher price?—Yes.

946. Mr. *Liddell.*] Do you not think that the effect of these great lines of railway coming into London in various directions will be a very good practical reason why, if they ask those prices, they will not get them?—I have no doubt whatever of that.

947. Sir *Baldwin Leighton.*] You imagine that there will be a very great increase of traffic generally?—Well, it is said that the railways relieve the traffic; but if it relieves it in one district, it takes it to another; wherever a railway goes buildings increase, and of course people must go out of doors.

948. Supposing London Bridge and Southwark Bridge to be both free, do you suppose there would be more traffic going over them, taking them both together, than went over before?—You would not have the same amount of traffic upon some bridges, and you would have more upon others; the toll causes men to turn aside, and go out of their way to avoid it.

949. Do you think that taking off the tolls would actually increase the amount of traffic to any considerable extent?—I think it would, but I think the greatest advantage would be the natural flow, the relief to the inhabitants.

950. Sir *William Jolliffe.*] The traffic would be equalised?—Yes.

951. Sir *Baldwin Leighton.*] It is a shifting of burdens, I suppose?—It is a shifting of burdens on to the right shoulders. A man in the Strand wanting to get to Westminster-bridge would go over Waterloo if the toll was off; therefore he is a gainer.

952. Mr. *Liddell.*] The man who lives in Canterbury is not an equal gainer; therefore, why should he pay the same amount?—I have almost withdrawn that part of my suggestion.

953. *Chairman.*] You would not go to the other side of the Medway?—No.

954. Mr.

954. Mr. *Jackson.*] Every person who produces food for the consumption of the metropolis, east, west, north and south, must be a gainer by having free access to the place where the consumption takes place?—I think so. You do not always see the benefit in the immediate districts.

955. You generally find that the produce of these counties is first brought to the large dealers in London, and then disseminated by them?—Yes.

956. So that much of the produce would probably cross the bridge to be sold, and then go back to be consumed, all within the metropolis rate?—Yes.

957. Is not the coal tax within the metropolitan police district?—It is within the limits of the Metropolitan Police district. As I said before, I think it is levied unfairly; the district is an unfair one as regards the part of Middlesex to which I referred.

958. Do you think that a moderate coal tax would be a good thing?—I think the idea of a coal tax has frightened a good number of people.

959. I want your opinion on the subject?—I have endeavoured to gather the opinions of those with whom I have been associated, and from whom I have taken instructions with reference to this inquiry. The millowners object to the proposal, and say that it will cause parties, instead of building mills in the vicinity of London, or within the limits of the metropolitan district, to take them further out. It was almost considered a settled thing, when the last Act was passed, that there was an end of it; but if a penny is to be added now, they feel that they are not sure that another penny will not be added another year, and so on; and they cannot see the limit of it. These gentlemen are at Rotherhithe, and they say that there is this injustice to them; they have to pay a double tax, and many other people have not. They say they are a long way from the bridges; they do not object to a general rate, but they object to a double rate. They would have to pay the metropolitan rate, and the duty on coal; and I think that double rate is a very great objection.

960. Have you gathered from the many persons you have been inquiring from, that they would not be unfavourable to a general rate over the whole of the two counties, for the purpose of raising money to buy these bridges?—I have been from Barking to Lea, and across to Staines, and I believe there is no indisposition among those gentlemen that I have been with, to pay a county rate, but there is a great indisposition to pay any coal dues.

961. Or any district rates?—The only question is, whether it can be fairly levied. The difficulty would be in levying a rate, unless it was a Metropolitan Board of Works rate over that area, or over the Metropolitan Police district or county. I do not think you can levy a rate arbitrarily upon 20 or 25 miles from London; if that was attempted, you would go into Hertfordshire.

962. You think that the parties with whom you have consulted, believe that a moderate rate would be the best mode of meeting the expense?—A moderate county rate; that is nearly similar to the suggestion of the Committee which formerly sat upon these questions, which recommended the expediency of removing the present tolls on the different bridges between Staines and London Bridge; that was the Select Committee of Mr. Oliveira.

963. *Chairman.*] What was the recommendation?—They say, "With regard to the best mode of providing for the purchase and future maintenance and increase of bridge accommodation the Committee are decidedly of opinion that a rate to be levied over the whole district to be benefited by the proposed alterations is at once the most just and simple plan to be adopted." They have not defined what that district should be.

964. Have you the Report of 1835?—Yes; on Metropolitan Communications.

965. What does that Report recommend?—It says, "The cost of public improvements required by the existing or prospective demands of metropolitan traffic, whether in forming new streets or enlarging existing ones, or in purchasing or building bridges, or removing toll-bars, should be defrayed by a local rate levied on the whole of the metropolitan district." It does not say whether it should be the Metropolitan Police district or the Board of Works district. "The metropolitan district" would leave out some of the most important bridges. The Committee will notice that the metropolitan district itself runs along the Thames, just above Putney. The Metropolitan Police district would take in the whole of the county of Middlesex; it takes in also a great part of Essex.

966. Mr. *Jackson.*] Do you know anything of the Bridge House Estate in trust to the Corporation of London?—No; I may observe, that there is one matter that has not been referred to, and that is the bridge at Charing Cross. It is only a foot toll. It was built by the railway company who took powers in their Act of 1859, the 22 & 23 Vict., for the appropriation, alteration, and adaptation to the objects of the undertaking of the Charing Cross Bridge, and either wholly or partially, the discontinuance of its present user by the public as a passenger thoroughfare, and for providing and substituting a thoroughfare or thoroughfares instead thereof. It is a foot bridge, and belongs to the Charing Cross Railway Company.

967. Lord *John Manners.*] Is there a toll or not?—There is a foot toll of one halfpenny.

968. Sir *Baldwin Leighton.*] Do you know what the Railway Company gave for the bridge?—I do not know. It was a very different bridge from what they have put up. This is merely a roadway on each side of the railway.

969. Have you even considered the subject of taxing the landlord, and not the tenant, for these improvements?—I do not think that is a question that should be practically carried out with regard to the metropolis, or with regard to the metropolitan bridges.

970. Why not?—I can only give an answer in the form of a general opinion.

971. The tenant pays income tax, and deducts it, under Schedule A, from the landlord?—One is an imperial tax, and the other is a local tax. There is a great distinction between them.

972. *Chairman.*] The sewers rate is a landlord's tax; the landlord, I believe, has to pay for the main drainage, unless there is a special clause in his lease?—That is directly for the interest of the land, whereas this is for communication; I do not see any connection between them.

973. Mr. *Jackson.*] In many Local Bills there is a charge fixed upon the landlord, who is to pay a certain proportion of the cost of maintaining

Mr. *J. E. Bradfield*, 29 May 1865.

sewers and other sanitary improvements?—I do not see that there is any connection between that and such a thing as this; we might as well say that the charge of paving and repairing the streets should be paid by the landlord.

974. Sir *Baldwin Leighton.*] One is a public highway, and the other is built by the parties as a private speculation?—In law and in practice I humbly submit they are the same.

975. *Chairman.*] A man does not pay for paving a street a long way from his house, but only for a street close to him?—That used to be the case when the little Paving Boards were in existence, but the tendency of present legislation has been to throw the rate over a larger area.

976. Still over the district?—Yes; but some of these districts are almost in value as large as counties.

977. Mr. *Jackson.*] Is not the value of all property affected by the amount of taxation upon it?—Decidedly.

978. Does not a man get less rent if his property is taxed heavily than if it is taxed lightly?—Yes.

979. Therefore, the landlord in reality does pay the tax by the diminished value of his property?—In some cases he does, and in some cases he does not.

980. Mr. *Liddell.*] Do you remember when an extra penny in the shape of a coal tax was levied, raising the tax to 13*d.* instead of 1*s.* for a special purpose, namely, the building of the Coal Exchange?—I heard of it as a circumstance which did occur.

981. You are also probably aware that the Coal Exchange was built and the debt extinguished, and the public have a right to expect that the extra 1*d.* charge should cease?—I heard that was the case.

982. Can you state whether much disappointment was felt when, the object being attained, the tax did not cease, but was continued for other purposes?—I have heard a good deal of dissatisfaction expressed, not only to the 1*d.* that is continued, but about the other portion.

983. I believe the whole of the 13*d.* is now heavily charged with extensive improvements in the metropolis, is it not?—The Act of 24 & 25 Vict. c. 42, provides that the 1*d.* and 8*d.*, part of the 12*d.*, are to be kept to the account of the Thames Embankment and Metropolis Improvement Fund. The other 4*d.* goes, in the first instance, in payment of interest and discharge of principal on various sums raised by the City of London. The 4*d.* goes to the City, and 9*d.* goes to the Metropolitan Board of Works.

984. Can you state whether there is any feeling in the minds of the consumers of coal that even for the purpose of effecting these great improvements it is very unjust to tax a necessary of life?—The petitions which Mr. Ayrton and Mr. Perry Watlington presented to the House were divided into two parts, part from Middlesex and part from Essex, signed by 2,000 persons, amongst whom are the owners of some factories consuming 11,000 tons of coal per month. I was told that every one of those persons signing those two petitions was very much opposed to a tax upon coals. They are large consumers of coals, and they are the parties near Barking Bridge. There is a great dissatisfaction felt about the coal duty.

985. And you give the Committee clearly to understand that any attempt at a further increase of the coal duty would not only create dissatisfaction, but would be strongly and probably successfully opposed in the metropolis?—I do not know about opposition; I know it would give great dissatisfaction.

986. Mr. *Ayrton.*] With regard to the owners of steam-engines, and other persons who carry on business within the metropolitan limit, if the coal tax were a source of revenue, they would pay both the tax on their residences, like the rest of the community, and a tax on their business?—Yes, the millers particularly say, "our mills will be taxed; why should that be done?" it would have the effect of driving a very large amount of capital out of the area.

987. The builders of iron ships on the banks of the Thames, who use coal in enormous quantities, would have to pay a large sum?—A very large sum.

988. Sir *Baldwin Leighton.*] Did I understand you that it was not so much the penny that was objected to, as the precedent of increasing the coal tax, that if the penny was put on, there would be no knowing where it would end?—Both.

989. Mr. *Ayrton.*] Are you aware that in the City of Dublin the coal manufacturers are exempt from the coal tax, and get a drawback?—I did not know that.

Jovis, 1° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Ayrton.
Mr. Cowper.
Mr. Hanbury.
Mr. Jackson.
Sir William Jolliffe.
Mr. Locke King.
Mr. Leader.
Sir Baldwin Leighton.
Mr. Liddell.
Mr. Alderman Salomons.
Mr. Tite.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. GEORGE LABALMONDIERE, called in; and Examined.

Mr. *G. Labalmondiere.*

1 June 1865.

990. *Chairman.*] YOU are Secretary of the Commissioners of the Metropolis Turnpike Roads, north of the Thames?—Yes.

991. Have you any information to give to the Committee?—I have not any. I do not know what I am called for. I have no information to give with regard to the bridges.

992. In your trust, there are some bridges over the Lea?—There is a bridge over the Lea.

993. Only one bridge, an iron bridge, that was built about the year 1757, I think; and was transferred to us when our Commissioners took the roads in the year 1827.

994. Was it a local bridge?—No; it seems to have been erected in consequence of an Act of Parliament, that came into operation in the year 1757, for making a road to Snaresbrook.

995. Mr. *Jackson.*] Does it unite the counties?—I believe it does.

996. *Chairman.*] Is it a toll bridge?—Only so far as the road is concerned. The toll taken there is to keep up the whole of the Lea Bridge Road.

997. Is it free for foot passengers?—Yes.

998. Toll is only taken in the same way as in the roads?—Yes.

999. Mr. *Jackson.*] The gate is fixed there?—Yes.

1000. What is the length of the road?—About five miles and a half altogether.

1001. You have but one gate in five miles?—One gate is there, and one elsewhere; I do not exactly know its position. There are two gates, on that road, but payment at either clears the other.

1002. *Chairman.*] Is this bridge and road included in any of the enfranchising Acts for relieving the public from toll on the Metropolis Roads?—No; the Act that was passed by Parliament in the year 1863, to remove from the Commissioners certain portions of the roads then under their jurisdiction, was confined entirely to roads within the limits of the Metropolis Local Management Act.

1003. Is there a debt on this trust?—No.

1004. Why could not the toll be taken off, and thrown on the parishes?—If you can throw it on the parishes, I do not know of any objection.

1005. How far does your trust extend?—I think that Lea Bridge Road is about five miles and a half in length.

1006. Would that be five miles distant from the bridge?—No, there are two branches of it; when you get on some way, there are two branches.

1007. Have you the amount of the take on that trust?—I cannot tell you precisely what it is; indeed we let our tolls always by auction every year.

1008. Mr. *Jackson.*] This is a public trust?—Yes.

1009. Has the Act expired?—No; we had a perpetual Act till the year 1863, and then a new Act was passed, relieving the Commissioners from the duty of repairing certain portions of the roads, and continuing to them the remainder for 21 years from the passing of the Act.

1010. *Chairman.*] There is no debt, I understand?—No, none.

1011. Therefore, creditors could not be injured if an Act passed to relieve the public from paying?—No, there are no creditors.

1012. Who maintains that bridge across the Lea?—We do; and there is a clause in the Act that if we are ever put to expense beyond a certain sum, I think 1,000*l.*, we have power to increase the tolls till the cost has been repaid. But the cost of repairing the bridge itself is very small, it is an iron bridge, and occasionally we have to do some repairs to the foundations.

1013. Sir *Baldwin Leighton.*] You built the bridge?—No; it was built more than 100 years ago.

1014. Of course it is a turnpike road?—It was built at the time the turnpike road was made.

1015. Then you built it; that is, the trust built it?—The trustees of that day built it.

1016. *Chairman.*] This is the only bridge connected with your trust?—That is the only bridge that we have, with the exception of county bridges, which we have nothing to do with, except to repair for the county.

Mr. Alfred Austin, called in; and Examined.

Mr. *A. Austin.*

1 June 1865.

1017. *Chairman.*] Can you give us any information respecting Chelsea Bridge?—The bridge and embankment are one concern, and the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings in 1846 were enabled to carry out the works by 9 & 10 Vict. c. 39.

1018. When you say the bridge and embankment were one concern, you mean there was an Act for embanking the Thames, and the bridge formed part of that arrangement?—It was a joint undertaking; not only joint, but one undertaking: the bridge and embankment were one undertaking according to this Act, and the funds to be supplied under this Act were for that undertaking.

1019. Sir *Baldwin Leighton.*] It was an embankment for the roadway, not for the park?—It had nothing to do with the park whatever; it is on this side of the river. It was one concern, and the funds to be supplied under the Act, or under the powers of the Act, were for that one concern, that is, for the bridge and embankment. After a time Parliament made grants, some for the bridge and some for the embankment, separately, which rather complicated the case. I have, therefore, drawn out an account of the funds which came from sources under the Act and from Parliament. I have drawn it out in one account, and have placed those funds on one side, and I have shown the expenditure for the bridge and embankment separately on the other side of the account. Perhaps I may now read the items. For Chelsea Bridge and Embankment the statement is as follows:—"The receipts; Loans from Exchequer Bill Loan Commissioners, 80,000*l.*; Grants of Parliament, 160,253*l.*; Profit on Exchequer Bills, 3,869*l.* 5*s.* 4*d.*; Sale of Lands, 28,975*l.* 6*s.* 10*d.*"

1020. What do you mean by "Sale of Lands?"—Some of the land reclaimed from the river by the embankment were sold. "Contributions, 8,124*l.*"

1021. Mr. *Jackson.*] That is frontage, I suppose?—For frontages. "Sale of building materials, 1,356*l.* 19*s.* 4*d.*" Those are the receipts, making together 282,578*l.* 11*s.* 6*d.* Those are the receipts for the bridge and embankment from all sources. Then the payments: "Construction and strengthening of bridge, 105,652*l.* 13*s.* 7*d.*: embankment, 123,617*l.* 6*s.*; surrenders made to the Exchequer, 33,103*l.* 14*s.* 10*d.*; repayments to the Public Works Loan Commissioners, viz. on account of principal of loan, 11,000*l.*; ditto of interest on Loans, 7,964*l.* 18*s.* 7*d.*" That leaves a balance of 1,240*l.* 1*s.* 6*d.*

1022. *Chairman.*] Supposing you were to sell the bridge, how much money would you require to remunerate you for the expense of building the bridge?—We should want 105,652*l.* 13*s.* 7*d.* to remunerate us for the money which we have laid out in the construction and strengthening of the bridge. That does not take in the repairs.

1023. I am asking the prime cost. I suppose, when you talk of embankment in that 105,000*l.*, as much embankment is put in as is required for the purposes of the bridge only?—The embankment is a distinct thing.

1024. Mr. *Jackson.*] What will the Government require to pay so as to recoup all the money for the bridge and embankment together?—For the two together, the bridge and embankment' it would require 229,269*l.* 19*s.* 7*d.* to recoup the Government.

1025. Do you see any mode by which any portion of that 200,000*l.* could be recouped to the public, except through the bridge?—No.

1026. Therefore, if the bridge was paid for at its prime cost, including repairs and every other charge which has been paid upon it, there would still be a loss to the public of upwards of 100,000*l.*?—£. 123,617. 6*s.*

1027. *Chairman.*] When you speak of the embankment, what side of the Thames do you speak of?—The Middlesex side. The embankment is that great improvement that was made from Vauxhall Bridge to Chelsea Hospital a few years ago.

1028. Sir *Baldwin Leighton.*] That is not necessary for the purposes of the bridge; but there is a great deal of embankment on each side of the bridge that was perfectly necessary?—Probably that is so.

1029. That is not separated?—No.

1030. The approaches are 105,000*l.*?—No the bridge is 105,000*l.*

1031. What are the approaches?—Where the exact line is, I do not know. That, probably, is the front line of the embankment. The bridge cost 105,000*l.*

1032. Mr. *Jackson.*] Irrespective of the approaches?—Yes.

1033. Therefore, in disposing of that bridge to any party, you would naturally take into account the cost of those approaches in the same way as the cost of approaches have been included in the London Bridge, Southwark Bridge, and Waterloo Bridge; it forms part of the expenditure necessary to open the communication to the public?—That may be so. I am not prepared to answer that. The embankment would be imperfect without that portion of it; that is the approach to the bridge. The approach to the bridge is, of course, embankment.

1034. Mr. *Cowper.*] Is there not this great difference between the two, that in the case of the bridges mentioned by the Honourable Member, the approaches required the purchase of very valuable houses which had to be pulled down to make the opening; whereas in the case of Chelsea Bridge, the approaches are over ground which never was built upon, and which, therefore, would not require any expense of the same character as the approaches of London Bridge?—The approaches were over open ground.

1035. Mr. *Jackson.*] Was that open ground the property of the Government?—No, I apprehend not.

1036. It had to be paid for?—I should think so.

1037. Consequently, it would form part of the expenditure that was necessary?—I am not prepared to answer these questions.

1038. *Chairman.*] I think you said in a former answer that the bridge was necessary to the embankment?—No, I said I thought the embankment was necessary to the bridge. The access to the bridge necessarily goes over the embankment.

1039. On the Middlesex side, the bridge is not necessary at all, ancillary to the embankment?—No, I should say not; the embankment would be perfect without the bridge.

1040. Is

1040. Is there not some profit arising to the State from that embankment; has there not property been let, so as to make it productive and valuable to the Office of Commissioners of Works?—No, I think not.

1041. What advantage do the public get by the expenditure on the embankment?—I suppose the improvement of the bank of the river. I am not sure whether the Commissioners of Woods have not had some of their property improved by it.

1042. *Chairman.*] Who does the embankment belong to; all that land gained by the embankment?—The Government, to a certain extent.

1043. There are some other private proprietors, Mr. Cubitt, and so on?—Yes.

1044. Mr. *Jackson.*] They paid 8,124 *l.* as the purchase money?—The Marquis of Westminster paid that.

1045. That was the value that was deemed sufficient?—I apprehend so; but it was before my time.

1046. *Chairman.*] Are not the approaches on the other side, part of an estate bought by the Government for Battersea Park?—Yes; the road that leads to the bridge is part of the Battersea Park estate.

1047. Then, the approaches were in the hands of the Government at the time; therefore, there was no money paid for them?—There was no money paid, specially for the approaches, I apprehend; but the Battersea Park property was bought by the Government.

1048. What I mean is this; the bridge is placed on the other side of Battersea, upon a portion of the estate which was bought by the Crown for Battersea Park?—Yes; it joins that estate at some point.

1049. Do the road and approaches form part of that estate?—Yes; the road that leads to the bridge forms part of that estate.

1050. The road, I presume, was taken out of the estate to make the approach to the bridge?—The road from the bridge was part of the laying out of the estate; at least, so I apprehend; it was before my time. I am merely stating what I suppose was the case.

1051. *Sir Baldwin Leighton.*] Who keeps the road in repair?—The parish; the embankment wall is kept in repair by the Office of Works.

1052. Who keeps the approaches in repair?—It is a parish road up to a certain point, to the bridge.

1053. The approaches?—I do not know what is meant by approaches.

1054. The two approaches upon the Battersea side and the Chelsea side. Do the Government keep in repair all the roads that they make?—No; the parish keeps in repair those roads on the embankment.

1055. Do the Government keep in repair any roads that they make?—The roadway of the bridge, up to a point where it joins the embankment; if you call that the approach it is so.

1056. *Chairman.*] When you speak of the embankment you mean the embankment on the Middlesex side?—Yes.

1057. You do not mean anything on the other side?—No.

1058. When was the bridge first opened for traffic?—On the 29th of March 1858.

1059. What are the tolls for foot passengers and carriages?—I have them here extracted from the Act. There is a power to vary the tolls, but they have never varied.

1060. Has there not been a change with regard to the tolls on Sundays?—Yes.

1061. That was about four months after the bridge was opened?—Yes; the toll was taken off for foot passengers on Sundays, Easter Monday, Whit Monday, and Christmas Day; it was retained for carriage traffic.

1062. Are tolls paid going and returning?—Yes; there is an exception made with regard to empty hackney coaches, &c.

1063. What is the revenue of the bridge, distinguishing carriages from passenger traffic?—I have drawn up an account of the tolls received from year to year, showing the gross revenue of the bridge.

1064. Will you state the result?—In 1863 the amount received for carriage traffic was 1,973 *l.* 6 *s.* 2½ *d.*, and for foot passengers, 2,058 *l.* 5 *s.* 1½ *d.*, making together, 4,031 *l.* 11 *s.* 4 *d.* In 1861 the carriage traffic was 1,689 *l.* 9 *s.*, and for foot passengers, 1,994 *l.* 7 *s.* 3 *d.*, making together, 3,681 *l.* 16 *s.* 3 *d.*

1065. The take was less in 1864 than in 1863?—Yes; our ordinary financial year ends in March, and in the year ending the 31st of March 1863 the receipts were larger than in 1864, I believe principally on account of the cattle show that was held in Battersea Park in the previous June, which brought large receipts.

1066. What are the details of the outgoings and the average expenditure for the repair of the bridge?—I have a tabular statement showing the expenditure from year to year. (*The Witness handed in statement of accounts.*—Vide *Appendix.*)

1067. Sir *William Jolliffe.*] Can you state the reason for the large outlay necessary in later years, particularly in the last year, when the expenditure was enormously increased for the maintenance of the bridge. I see that the expense of maintenance, police, lighting, and watching in 1859 amounted to 263 *l.* They go on increasing until in 1864 the expenditure is 5,294 *l.* 12 *s.* 1 *d.* Can you explain what has been the cause of so great an increase?—In 1863 and 1864 there were very extensive repairs to the bridge; there was, I think, a new floor.

1068. Perhaps it would be as well to go through the figures. Can you state why the amount should be 260 *l.* in the first year, and why in 1860 the expenditure trebled itself, amounting to 665 *l.*?—I cannot go into details or give the reason for that increase.

1069. You cannot explain it?—In the two last years I know the floor of the bridge has been relaid and the bridge painted, which I think alone cost nearly 1,000 *l.*; some extensive repairs have taken place.

1070. So that the expenses of the bridge have amounted to about 1,800 *l.* more than the receipts?—Yes, I think so.

1071. Mr. *Jackson.*] What has been the average expenditure?—The average expenditure from 1859 to 1864 has been 1,578 *l.* 1 *s.* 10½ *d.*

1072. *Chairman.*] Have you any other information you think can be of service to the Committee?—I am not aware that I have.

Mr. George Whately, called in; and Examined.

Mr. *G. Whately.* 1 June 1865.

1073. *Chairman.*] You belong to the audit department of the South Eastern Railway?—Yes, I attend on behalf of Mr. Smiles, who is unavoidably absent.

1074. You present an account of the railway connected with your iron bridge?—Yes, Hungerford Bridge; I have an account of the foot tolls. On the 1st September last year the bridge became the property of the South Eastern Company, and the receipts from foot passengers from the 1st September to the 30th April, a period of eight months, amounted to 2,696 *l.* 6 *s.* 11 *d.*

1075. At what rate per passenger?—A halfpenny.

1076. Both ways?—Each way.

1077. What number of persons does that represent?—It represents 1,294,246 passengers, giving an average per day of 5,348, and the receipts per day, 11 *l.* 2 *s.* 10 *d.* (*The Witness handed in a statement of receipts at Hungerford Bridge.*—Vide *Appendix.*)

Mr. George Henry Drew, called in; and Examined.

Mr. *G. H. Drew.*

1078. *Chairman.*] Do you attend to present an account, or to give information on the subject of Creek Bridge?—Yes.

1079 To whom does the Creek Bridge belong?—To the Deptford Creek Bridge Company, a company incorporated in 1803; that company consists of a number of shareholders; it was incorporated for the purpose of building a bridge across the Ravensbourne, from Deptford to Greenwich.

1080. Do not the railway guarantee you a certain take?—Yes; the Greenwich Railway Company interfered with the exclusive rights which the company had across the river, and they were by Act of Parliament bound to pay a certain sum so as to make up the deficiency in the tolls. The sum which they are now bound to pay is 2,325 *l.* a year.

1081. That is, if the tolls do not come to that they are bound to make it up?—Yes.

1082. Do the tolls come to that?—I believe they do not. I should explain that we have not had them in our hands for some years; for the South Eastern Railway Company, which has taken the place of the Greenwich Railway Company, finding that they always had to pay have lately taken a lease of the tolls, and they have leased them at that sum, 2,325 *l.*

1083. The company have taken the lease?—Yes, the South Eastern Railway Company.

1084. I suppose it is well known that the tolls do not amount to that sum?—We do not know what the tolls are, but we think they do not amount to that sum; we have no means of ascertaining.

1085. Is that the net sum that you receive?—Yes; they pay us monthly.

1086. Who keeps the bridge in repair?—The Creek Bridge Company.

1087. Mr. *Jackson.*] What dividend do you pay upon your stock?—The average has been for some time about 3 *l.* 17 *s.* 6 *d.*; last year it was not so much in consequence of an accident for which the company had to pay.

1088. Taking the average of the last seven years?—It has not varied for the last seven years; until last year the amount has been 3 *l.* 17 *s.* 6 *d.* a share.

1089. Do you live at Deptford?—No.

1090. Does the bridge divide Deptford from Greenwich?—Yes.

1091. It is like a bridge in the midst of a street?—Yes, it certainly is; it cuts off the communication entirely between one part of the town and another.

1092. Sir *William Jolliffe.*] It is a very steep gradient, is it not?—No; it is not a bad gradient; it is almost a flat bridge.

1093. What is the gradient?—It is almost flat.

1094. Is it a carriage bridge as well as a foot bridge?—Yes; and a swing bridge.

1095. *Chairman.*] Have you any accounts or statements to put in?—Two years ago the Greenwich Board of Works wished to know upon what terms the company would throw open the bridge and approaches. There was a report made by a committee to the directors, which is at the service of this Committee. It contains a return of the expenses from year to year. (*The Witness delivered in the report.*—Vide *Appendix.*)

1096. Lord *John Manners.*] We understand that the Greenwich Board of Works at that time contemplated purchasing the bridge for the purpose of throwing it open?—They wished to know upon what terms it could be done. I suppose with a view of going to the Metropolitan Board of Works to see if they would assist them; I believe that was their view.

1097. *Chairman.*] Who can give us an account separating the foot passenger traffic from the other traffic?—I think only the lessee of the tolls. The South Eastern Company underlet the tolls.

1098. Lord *John Manners.*] Did any further communication take place besides that which you have mentioned?—That answer was communicated to the Greenwich Board of Works, and no further communication has been received from them.

1099. Sir *Baldwin Leighton.*] Have you other property besides the bridge?—Yes, some property which was purchased at the time of making the bridge which is still held by the company.

1100. That is included in the 3 *l.* 17 *s.* 6 *d.* per cent.?—Yes.

1101. Do you know how much the bridge itself pays you per cent.?—We have never separated them; we know what the revenue is, taking the gross receipts, and deducting the expenses.

1102. Is the bridge iron?—Partly stone and partly iron; all the part which swings is iron.

Mr. ALBERT FRANCIS JACKSON, called in; and Examined.

Mr. *A. F. Jackson.*

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1103. *Chairman.*] YOU have a communication to make to the Committee?—Yes, the elected vestry have passed a resolution in favour of a substituted Bill in which the parish of Putney appears in the schedule. In the original Bill the parish of Putney was omitted. The resolution they arrived at was that in their opinion clauses 5 and 6, the rating clauses, are fair and reasonable.

1104. *Chairman.*] Then you are in favour of the duty on coals?—Yes, and the main drainage rate.

1105. Have you anything further to state?—The tolls on Putney Bridge they consider are prejudicial to the traffic in Putney. The toll is very heavy, sixpence a horse each way. Gentlemen having a pair of horses have to pay a shilling each way, consequently many go out of their way round by Hammersmith.

1106. Mr. *Jackson.*] Where the charge is sixpence?—Yes. The labouring man has to pay a penny each way on Sundays between Fulham and Putney.

1107. You consider that these heavy tolls on Putney Bridge are injurious to the public?—Yes, because we have no accommodation in the way of omnibuses to the West End, and are obliged to go over Fulham Bridge.

1108. You think that the district would have no objection to pay a portion of the tax to be relieved from the tolls?—They are in favour of those rating clauses.

1109. They consider that the evil is so great that they would be glad to have themselves taxed in order to remove it?—Yes.

1110. *Chairman.*] Your district is Wandsworth?—No, Putney; it is in the Wandsworth district of the Board of Works. Putney is one of the largest parishes situated in the Wandsworth district of the Board of Works. I am only speaking of Putney.

1111. But Putney is a part of the Wandsworth district?—Yes, for the purposes of the Board of Works; we represent Putney and Roehampton; Roehampton is in our parish.

1112. Do you think that your neighbours on the other side would be equally glad to pay the district rate?—I cannot speak for Fulham; I ought to state that two years ago a company got an Act to make a new bridge of which nothing has come at present.

1113. That is the Albert Bridge?—No, I do not think it is the Albert Bridge.

1114. Is it the Victoria?—It is a bridge between Wandsworth and Putney; higher than Wandsworth and lower than Putney.

1115. Mr. *Jackson.*] The ratepayers, through their representatives in the vestry, passed a resolution in favour of the two clauses of the Bill now before Parliament which would tax them, not only with the coal tax, but with a district tax, in order that they might remove the evil of tolls from the bridge?—Exactly so.

1116. Mr. *Leader.*] The present bridge must be removed, must it not?—I do not know how that would be; the company got their Act two years ago, and have been in treaty with the old bridge people, but I do not know what has come of it, to buy them off.

Mr. BENJAMIN SCOTT, called in; and Examined.

Mr. *B. Scott*

1117. *Chairman.*] YOU are the Chamberlain of London?—I am.

1118. You attend to present some accounts with regard to which the Comptroller could not give us the information we required?—I have to produce an account of the London Bridge Approaches Fund for the last three years, as ordered by this Committee. I believe the Comptroller has already put in a copy of the Bridge House Estates Account for 1864.

1119. As you are well acquainted with the history of the City it might be useful for you to tell the Committee how the old Blackfriars Bridge was paid for?—Blackfriars Bridge was built out of a fund then called "The Orphans' Fund," by the Act of 7 Geo. 3, c. 37, about a hundred years ago. £.144,000 was raised on the credit of the Orphans' Fund, and the sum of 66,000*l.* was raised subsequently on the credit of the same fund for building and completing Blackfriars Bridge.

1120. Was it not a toll bridge?—My impression is that there was a toll on Sunday, which was afterwards bought up by monies raised by the Commissioners of Sewers for the City of London. I believe they raised the money by bonds, and I can recollect the discharge of those bonds out of the consolidated rate in the City.

1121. You say there was a toll on Sunday; I believe it was continued till a comparatively recent time, down to 1810 or 1811?—It was continued to about that time.

1122. Then did the City buy it up?—It was bought by the Commissioners of Sewers for the City of London by bonds which they were authorised to raise for that purpose. They raised a loan and bought up that Sunday toll; but I have not before me the particulars.

1123. Mr. *Jackson.*] I believe the Bridge House Estate now produces a revenue of about 40,000*l.* a-year?—Yes.

1124. And we shall be able to see from the returns the growth of that revenue from 1824 to 1864?—Yes.

1125. Is it, in your opinion, a growing and increasing property?—Yes; there can be no doubt that, being mainly situated in London, it is increasing in value; and as the leases fall in of course it will increase.

1126. As the leases fall in the properties will be let for more money, and in 1867, 1868, and 1871 the charge of 21,500*l.* annuities will cease?—Yes; there are charges in the shape of annuities which will begin to fall in in May 1867, and will continue falling in till April 1871, when the whole of them will cease.

1127. Can you give the Committee any idea what will be the value of that Bridge House Estate when those annuities cease?—I have not the means of giving you an opinion; that would be entirely a surveyor's question.

1128. What will be the charge upon the estate when those annuities cease?—There is, first, the maintenance of London Bridge; secondly, the maintenance of Blackfriars Bridge; and, thirdly, a charge of 46,100*l.*, a loan raised for repairing

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that bridge. The figures that I hand in will give you an account for a series of years; all the expenses are there stated. First, there are charges for the maintenance and management of the estate, which amounted in 1864 to 2,180*l.* Then there are rentcharges, taxes, tithes, fire insurance, and income tax allowed to tenants, amounting to 1,667*l.*: these are charges on the estates generally. Then there are pensions to officers who have been connected with the bridge, 175*l.* Then there are the other expenses of London Bridge, amounting in 1864 to 1,000*l.*: whether that is an average or not, I cannot say.

1129. Then the expenses of Blackfriars?—For 1864 the amount was 928*l.* for lighting, cleansing, and repairing; 674*l.* for law charges applicable to all the estates and the accounts connected with them; and some miscellaneous payments amounting to 150*l.* These various sums which I have mentioned amount to 6,776*l.*

1130. Lord *John Manners.*] The two bridges together?—Yes.

1131. Mr. *Jackson.*] Then there is the interest on the money?—The interest on the loans for that year, amounted to 3,580*l.*

1132. I want the interest on the loans necessary for the renewal of Blackfriars, amounting to 346,000*l.*, I think?—The interest on the loan for repairing Blackfriars Bridge is 2,137*l.* The other loan amounts to 300,000*l.*, at 4½ per cent, which makes 13,500*l.* That would not come into this account, but it will in future.

1133. That is all?—That is all, with the exception of the annuities, which at present amount to 21,550*l.*, but will be diminishing from the year 1867 to 1871.

1134. In the absence of those annuities of 21,500*l.* there will be a charge, including the money for the completion of Blackfriars Bridge, of 22,413*l.*?—Yes, 22,413*l.*, assuming that 1864 is an average year.

1135. And leaving a surplus in 1871, according to the present income of 1864, of about 18,000*l.*?—No, that is not so, because the capital of 300,000*l.*, and the capital of 47,000*l.* have to be provided for.

1136. But supposing that remains as a debt, and is re-borrowed, there is a net amount of 18,000*l.* a year beyond the expenses and payment of interest on loan necessary to complete Blackfriars Bridge?—There will be a surplus of that kind, assuming the debts to be perpetual, and that no further moneys are required to be raised on Blackfriars Bridge. I am told by the surveyors that another 50,000*l.* will be required to complete it.

1137. Supposing the Government come forward again with guaranteed annuities in the same manner as before, or guaranteeing the amount of the debt, as in the case of the Metropolitan Board of Works, there would be a saving of 1 per cent. on the 200,000*l.* necessary for the completion of the bridge. That is to say, that with a Government guarantee you could borrow the money at 1 per cent. less than you borrow it from the Bank of England?—The Government have advanced money at 4 per cent., and we have borrowed from the Bank of England at 4½ per cent., so that there would be a saving of ½ per cent.

1138. That is 1,750*l.*, in addition to the 18,000*l.*?—Yes.

1139. Making about 20,000*l.* surplus revenue for 1871?—That would be the case, assuming the Bank of England would receive their money. The Corporation has contracted a loan with them for 10 years, for 300,000*l.*

1140. Mr. *Jackson.*] How long has that money been borrowed?—I think about 18 months; I have not the date before me.

1141. There are six years to expire before 1871; so that it would be seven and a-half years, leaving two and a-half years during which the Bank of England might refuse to receive their money for that period, there would be the extra charge?—There can be no question that if the Government security were given the money might be raised at a lower rate than 4½ per cent.

1142. We were told by Mr. Brand that you could tell us how the 300,000*l.*, or that portion of it which is not expended in the construction of Blackfriars Bridge, was laid out so as to yield the largest amount of income until it is wanted?—It was deposited partly with the Bank of London and partly with a financial company in the City. They deposited adequate securities in the hands of the Corporation; it has been laid out advantageously. The rates which they have allowed at three months' notice have been higher than the rates which we have paid to the Bank of England.

1143. No loss hitherto has accrued?—No, there has been considerable profit on the transaction.

1144. In borrowing beforehand there has been a gain to the estate instead of a loss?—I do not think it can be said that the corporation have borrowed beforehand; they borrowed at the time when they signed the contract for the 300,000*l.* All prudent financiers provide funds when they render themselves liable; the corporation have always secured a loan before they have rendered themselves liable for so large an amount. It was not with reference to making any profit or loss that they entered into the transaction, but in consequence of a rule which they have always observed in those matters for securing their own credit.

1145. Any increase of revenue between this time and 1871, from the property under the Bridge Trust, would go in excess of the 20,000*l.* a year that we arrived at just now?—Yes.

1146. You are connected a great deal with the Coal Exchange, and you know the feelings of the principal dealers in coal in that Exchange. You are also in receipt, I think, of the coal tax; have you heard much objection, or any, to the extra penny a ton from that body?—I do not come in contact with the coal trade. My brother is registrar of the coal market. I receive the duty, but I do not come in contact with the trade; and I have heard no expression of opinion on the subject outside the walls of Guildhall. There is a very decided opinion, I think, in the Guildhall that an increase in the coal tax would be undesirable.

1147. *Chairman.*] Do you receive the whole of the 13*d.* for coal duty?—I do; I am the receiver day by day, and I distribute it to the parties who are authorised to apply it.

1148. You receive on behalf of the Treasury as well as on behalf of the Corporation?—Yes.

1149. Sir *Baldwin Leighton.*] What was the amount by the last return?—I have not the figures before me. It is continually increasing; it is about 220,000*l.* or 230,000*l.* a year, the whole of the duties.

1150. The rate is 13*d.*?—Yes.

1151. Mr. *Liddell.*] Do you remember the imposition of the extra penny, making up the 13*d.*; you

you know that formerly the rate was in two sums, 8*d.* and 4*d.*, and then there was an extra penny put on for the specific purpose of building a Coal Exchange?—Yes.

1152. Can you tell us precisely what sum that extra penny now stands a security for; to what purposes that money has been applied?—It is applied to the purpose of the Thames Embankment: 8*d.* and the 1*d.*, making 9*d.* in all, is assigned by Parliament to the Metropolitan Board of Works, for the purpose of making the Thames Embankment It was first applied to the building of the Coal Exchange. When that object was accomplished, it was applied for several years to Her Majesty's Board of Works for Metropolitan Improvements, and subsequently was carried by direction of Parliament to the Metropolitan Board of Works, for the purpose of carrying out the Embankment.

1153. Then the Government in the first instance continued that tax, as I understand?—It was continued by the Act of the Government, promoted, I think, by Her Majesty's Commissioners of Works.

1154. What is the 4*d.* applied to?—It is claimed by the Corporation of London as their property, and has been so claimed for centuries. It is now applied to paying the debts which the Corporation contracted in making New Cannon Street. A further charge has been authorised by Parliament upon it for the purpose of effecting the improvements at Holborn Bridge, making a viaduct over the valley there, and for this purpose it is mortgaged till 1882.

1155. Will you tell me whether that 4*d.* will be clear in 1882?—No, it becomes the property of the Corporation in 1882; the Corporation claim it as their property in perpetuity. They have assented to these charges, which Parliament have also assented to, for public works, until 1882. The Act of Parliament states that it shall then be applied to purposes of public improvement within the metropolis.

1156. That is hardly an answer to the question; I want to know whether it will be clear of debt in 1882?—Yes; it is caculated that about that period the debt will be paid off. At any rate, the Corporation are not entitled to receive it on that account and in that shape beyond July 1882. They are authorised to raise 600,000*l.* upon it; and if the present increase goes on, it will be clear in July 1882. It will then be applied in aid of such public improvement, or improvements, "in or adjacent to the City of London, as Parliament shall hereafter sanction."

1157. *Chairman.*] What Act is that to which you are referring?—The Act for continuing the Duties on Coal and Wines, passed in 1861.

1158. You say that the feeling in Guildhall was decidedly opposed to any further increase in the coal tax?—I stated that I had heard opinions within the walls of the Guildhall unfavourable to an increase in the coal tax.

1159. You do not say that from authority?—No; I was asked whether I had heard any opinion in the Coal Exchange, and I stated that I had not been on the Coal Exchange, but that I had been in the Guildhall, where I had heard opinions unfavourable to the increase of the tax; not its continuance.

1160. Sir *William Jolliffe.*] I should like to know a little more about the original erection of this bridge. You say it was built, to a great extent, out of the Orphans' Fund, and that other money was raised on the sewers rate; was the Orphans' Fund wholly exhausted before the second amount was raised?—I stated that Blackfriars bridge was built out of monies provided by the Orphans Fund to the extent of 144,000*l.* and 66,000*l.*, making together 200,000*l.* But there was some toll which, I believe, was limited to the Sunday, and which one of these Acts of Parliament had imposed upon the bridge. It was that toll which was afterwards bought up by the Commissioners of Sewers of the City of London. That toll was not applied to the constructing of the bridge; but I should guess, not having the fact before me, that it was a toll for the purpose of paving the bridge, the Commissioners of sewers being charged with the paving.

1161. That further sum upon the sewers rate was to extinguish a foot toll or a Sunday toll that existed on the bridge?—Yes, on Blackfriars Bridge. It was not perfectly free when it was opened, but it was charged with this Sunday toll.

1162. That sum was raised by mortgage, on what you call the consolidated rate?—Yes.

1163. What does that rate consist of?—A rate for paving, lighting, and cleansing the City of London.

1164. Has that fund ever been made available for the purchase of other tolls?—Not at all, that I have ever heard of.

1165. Would there be any objection to make it available for the further purchase of toll, or would there be more objection now in making it available than there was then?—I think there would be an objection to making it available for a toll for a bridge, because it is only levied in the City of London; and the Metropolis generally benefits by these bridges between Middlesex and Surrey. The consolidated rate is only levied over the limited area of the City of London.

1166. But Southwark Bridge, for instance; would it not be as available for the purpose of purchasing the toll on Southwark Bridge; or would there be a greater objection to purchasing the toll on Southwark Bridge than on Blackfriars Bridge?—I am not aware of the circumstances under which the Sunday toll was extinguished, but I think there would be, at the present time, an objection to tax so very small an area as the City of London for the purpose of freeing a bridge between Middlesex and Surrey.

1167. Is this Orphans' Fund in existence now, or has it been wholly exhausted?—The Orphans' Fund ceased many years ago. At the building of London Bridge it was continued under the term of the "London Bridge Approaches Fund;" that fund came to an end in 1861, terminated by Act of Parliament.

1168. So that it is now wholly extinct?—The Orphans' Fund and the London Bridge Approaches Fund are both extinct; the coal duty, the 8*d.*, and the wine duty forming the New Embankment Fund; these were the principal items which formed the London Bridge Approaches Fund.

1169. Was the Orphans' Fund derived from estates, or how did it originate?—It originated in the reign of William and Mary, and consisted of coal duties, and certain payments made by the citizens of London, and after many years it was applied, having satisfied its original objects, by Parliament to public works in London. So it went on until about 1831; it was then called the "London Bridge Approaches Fund;" the Act of 10 Geo. 4 constituted it the London Bridge Approaches Fund, and made the approaches to London Bridge the first charge upon it. There were

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were very many metropolitan improvements carried out at the expense of that fund, until it terminated in the year 1861; the Act of Parliament then directing "that from and after such time as all charges on the said funds may be satisfied, they be carried to and form part of the Thames Embankment and Metropolis Improvement Fund created by this Act, and the said London Bridge Approaches Fund shall thereupon cease and determine."

1170. So it now may be said to be represented by the coal and wine duties?—Yes, it is called the "Thames Embankment and Metropolis Improvement Fund;" that is the name it now bears.

1171. When the Blackfriars Bridge was built this Bridge House Estate was not so productive as now?—No.

1172. Neither was it applicable to any other bridge but London Bridge?—London Bridge and Bow Bridge, or Stratford Bridge; I think there were two bridges charged upon the estates by those who had bequeathed those estates to the City.

1173. Hence, when they wanted to free Blackfriars Bridge from that Sunday toll, the fund of which you speak, this consolidated rate, was the only means available for taxing the inhabitants towards freeing that bridge?—That was the fund which at that time appeared to be, I have no doubt, the most convenient fund to be applied to the purpose.

1174. The being now a fine Bridge House Estate, which has been applicable from London Bridge to the new Blackfriars Bridge, the citizens, I suppose, are not disposed to be taxed when there is a fund of that kind to be made applicable to free Southwark Bridge or to build a new bridge?—If I understand the question, I can say, the Corporation would consider the Bridge House Estate as the first fund that should be applied for increasing the bridge accommodation with the City. I think they have affirmed that principle. They first of all took charge of London Bridge, and rebuilt it out of that fund. They applied it then to repairing Blackfriars Bridge substantially; and when that did not succeed, they applied it to rebuilding Blackfriars Bridge. I think, when it is shown that there is a surplus, they will be quite prepared to apply these estates for the purposes of some other bridge in the City, within their own jurisdiction.

1175. Mr. *Jackson.*] Not out of it?—No, I think they would consider those estates were left them for bridge purposes within the City of London. I am not instructed to say that by the Corporation, I am only giving an opinion; but from all their previous conduct, and what I have seen, they are as anxious as gentlemen here can be to free the bridges. I can state that within the last 12 months, they have twice resolved unanimously, or nearly so, to pay the toll upon Southwark Bridge, out of their own estates, showing their anxiety, as far as they have means and funds, to free that bridge.

1176. Do they intend to charge the amount for the use of Southwark Bridge to the Corporation estate, or to the bridge estate; will the amount the Corporation have agreed to pay the Southwark Bridge Company for the use of their bridge for 12 months, come out of the revenue of the Corporation proper, or out of the Bridge House Estate?—They have voted it out of the revenue of the Corporation, subject to their applying for powers, if they could obtain them, at a future time, to charge it on the Bridge House Estate.

1177. I think we arrived at the sum of 2,000 *l.*, as the surplus in 1871, which would be receivable from the Bridge House Estate?—Yes, something like that figure.

1178. From the gross receipts there would be deducted 13,500 *l.* as the payment of interest upon the loan necessary for reconstructing Blackfriars Bridge?—Yes.

1179. If we add to the 20,000 *l.*, 13,500 *l.*, it would show you 33,500 *l.* per annum, applicable to the payment of interest, in the event of Parliament deciding that Bridge House Estate should be applied for the purposes of erecting or purchasing other bridges?—I must answer to that, we cannot deduct the 13,500 *l.* interest; that must be paid in some shape.

1180. You do not understand me; we have already arrived at a surplus of 20,000 *l.*, after paying the 13,500 *l.*, making the gross amount from the estate, after paying all charges for management and repairs, 33,500 *l.*?—Yes.

1181. Taking the gross rental of Surrey and Middlesex at 12,000,000 *l.*, a rate of a halfpenny a pound would give 25,000 *l.* a year, making a gross amount of 58,000 *l.* per annum: from your experience, do you think that with that amount as security, a sum equal to a million and a half could be raised, in case it was wanted, with a Government guarantee, and taking into consideration the increased value of the revenue of the Bridge House Estate and the rate upon the county from the increase of the population and the houses built in it?—I think you could, assuming that Government and Parliament were to give all the necessary facilities for clearing the estates of the prior mortages. I think a million and a half could be raised upon such an income.

1182. Sir *Baldwin Leighton.*] What is the assessment of the City of London?—About 1,200,000 *l.*

1183. *Chairman.*] Rather more than that, is it not?—It is increasing; it may be more.

1184. Lord *John Manners.*] We understand that the Bridge House Estate was bequeathed to the Corporation by certain individuals?—It was; it was bequeathed in ancient times to the Corporation mainly for the support of London Bridge; when it became more than sufficient for the support of London Bridge, the Corporation brought before Parliament a scheme for repairing Blackfriars Bridge, at a cost of 80,000 *l.*, and subsequently, a scheme for rebuilding the bridge and charging the amount on these estates.

1185. We understand you to say that when the Bridge House shows a surplus income, so far as you know, the Corporation would have no objection to extending that principle further, but restricting its operation to the limits of the City?—I think they would be disposed to recognise that the fund should be applied to other bridges, but that they should be first applied to bridges in the City of London, the estates having been left for London Bridge.

1186. Mr. *Jackson.*] Supposing that this fund that I have alluded to was applied to the purchase of all the bridges within the Metropolitan Board of Works district; would you see any objection to throwing the repairs and maintenance of those bridges upon the Metropolitan Board of Works, still leaving the Bridge House Estate in the hands of the Corporation to manage?—I think the Corporation, who are the owners of the estates, would very much prefer being left to themselves, and taking those repairs upon the Bridge House Estates, rather than having them merged

merged in another Board. I think it would lead to jealousies, for there are local jealousies, and ever have been in London. I think they would prefer placing the estates to the full extent of their value at the disposal of the public, to intermingling or merging them with another Board.

1187. Instead of throwing the cost of repairs and maintenance of these bridges upon the Board of Works, you would prefer having it thrown upon the Bridge House Estate, keeping the estate in the hands of the Corporation as it is now?—I think the Corporation would go as far as is possible in maintaining the bridges out of those estates, and even further, perhaps, than those estates could justify at the present moment, rather than have the management interfered with by another body. That is my opinion from what I know of their feeling.

1188. Then, to shorten the matter, you think there would be no difficulty with a Government guarantee in raising a million and a half of money, to be applied to the purchase of all the bridges within the Metropolitan Board of Works area; and that the Corporation of London, still keeping in charge the Bridge House Estate, would prefer, if the Bridge Estate was not sufficient, after paying interest on the amount necessary to be raised for the purpose of the bridges. If the income was not sufficient, they would rather supplement it out of their own funds than let the management go out of their hands?—That is my opinion. I am not instructed to say so; but from what I know from 35 years' experience of the Corporation, they are very public spirited in this matter; but I think they would object to pass the estate out of their hands in any sense; they would rather make the most of it, and even supplement it, by contributing out of their funds for a few years rather than be interfered with in the management of their estate.

1189. Lord *John Manners.*] In the event of the bridges at Putney, or anywhere else up the river, being set free out of the proceeds of the Bridge House Estate, do you think that the Corporation would wish to have the charge of maintenance of those bridges so set free?—No; I think they would not aspire to interfere with the management of the bridges without their jurisdiction, but that they would rather be left in charge of those which are within their jurisdiction.

1190. Mr. *Jackson.*] Would it, in your opinion, be a right thing for the counties to maintain the bridges out of the jurisdiction of the Metropolitan Board of Works after they are once set free?—I cannot express any opinion on the subject better than any gentleman present. That is the law of England with regard to bridges lying between other counties; but there have been some special circumstances in the City of London by which the counties have been relieved.

1191. Mr. *Tite.*] You mean, I apprehend, that the Corporation of London, finding that the Bridge House Funds were left for the City of London purposes proper, would desire to preserve them for such purposes, freeing a bridge that might be a toll bridge, or maintaining or building a bridge that might be necessary for the City of London proper; you do not mean to say that you would be willing to allow those funds to go for any other purposes?—They have not the funds at present, but assuming that in a few years there will be an increase, they would wish them in the first place applied to purposes within or adjacent to their own jurisdiction. They would think that that was the proper and legal application of these estates.

1192. And if there was a surplus fund, they would be willing to appropriate it to some useful purpose of the same kind?—If there should be a surplus afterwards; that question has not entered into their minds at present, and I think it is not likely to arise in our time.

1193. Do you recollect the incidents belonging to the failure of Blackfriars Bridge which has been going on for a great many years; and is it correct that it was not decided to pull down and rebuild the bridge before the railway bridge was contemplated?—I cannot speak about that, it is not in my department; I am not the clerk of the committee where these matters are decided, I am merely treasurer of the fund; I should hardly like to give evidence on that point.

1194. With regard to the piers of which something has been said in evidence, do you remember that in the first competition, Mr. Page was successful, his bridge having only two piers and three arches?—I believe that was so.

1195. And that subsequently, it was determined to make a bridge with five arches?—Yes; Mr. Cubitt's bridge.

1196. Had that anything to do as far as you know, with the railway bridge which has five arches also?—I could not say what were the circumstances; I know it was debated in the Court of Common Council, and Mr. Cubitt's bridge was eventually adopted.

1197. Was there not another competition for bridges with five arches, in which Mr. Cubitt was not successful?—Yes. I do not know what were the reasons which influenced the committee, and afterwards the court.

1198. Nor the history of the breakdown of Blackfriars Bridge and its abandonment, either before or after the project of a railway bridge within 100 feet of it?—I only know this circumstance, that for many years one of the main piers of the bridge had been sinking, two of the main arches had been shored up, and I have always understood that, if these shores were removed, the bridge would be in great danger. The Corporation ultimately decided that the most satisfactory thing would be to rebuild the bridge entirely.

1199. But if that was brought about by the influence of the railway company, would it not have been reasonable that the railway company should do something towards the cost, instead of its all being thrown on the Bridge House Estate?—I have never heard anything that induced me to think that the railway company had anything to do with it.

1200. Nor the railway bridge?—No; I have not heard anything.

1201. Sir *William Jolliffe.*] Is there any account of the Bridge House Estate, how it was left, and by whom?—I believe the origin of the estate is lost in the mist of antiquity. It is very ancient indeed, almost as ancient as the Corporation.

1202. *Chairman.*] In the regions of fable, almost?—Yes; it goes back to the eleventh century.

1203. Sir *Baldwin Leighton.*] Was it left by one person?—Principally by one person, I believe; they have exchanged property since then, and purchased property out of the surplus, and ground has become more valuable near London.

1204. I understand you to say that almost the whole

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whole of the property accrues from bequests?—I believe the whole of it originated in bequests.

1205. *Chairman.*] And gifts?—And gifts for the purposes of London Bridge.

1206. I believe there was a chapel in the old bridge; that persons gave money and offered alms and donations?—It is well known that the original bridge was built in the eleventh or twelfth century by an ecclesiastic, and there was a chapel maintained in the interior of the bridge for many centuries.

1207. Mr. *Cowper.*] Where are we to look in order to discover the trusts which have been imposed on these Bridge House Estates?—I do not know that there is anything except the invariable practice of the Corporation; for many centuries they have ever kept it a separate trust, and always applied it to London Bridge.

1208. As long as there was only one bridge in the Metropolis it was applied to the maintenance of that one bridge, namely, London Bridge?—Yes.

1209. And then when there came to be another bridge, Blackfriars, within the City, it was applied to the support of that bridge; do you think it would be very unreasonable that now, when there are many other bridges which, though beyond the jurisdiction of the City, are yet used by persons going into the City, the application of the money should extend to such bridges, for instance, Waterloo Bridge?—I do not think it would be unreasonable, after the demands of the City, which are very urgent, have been supplied, to apply the proceeds of those estates to other bridges in London after the City bridges have been freed and properly supported, but while there is a bridge there, which is a toll-bridge, I think it would be a misapplication of the trust funds to apply them outside of the City, seeing that the funds were left unquestionably for a bridge which was a City bridge at the time the trust originated.

1210. Supposing there were a surplus after providing for the bridges in the City and the bridges distinctly in the Metropolis, do you think it would be fair and reasonable to apply that surplus to bridges at such a distance as Putney Bridge?—I think it would be reasonable to extend the benefits of the trust as the surplus arises, regard being had in the first place to the necessities of the City, and afterwards to those places which are adjacent to the City.

1211. Mr. *Jackson.*] The opening of these bridges and the setting free every road must benefit the property of the Bridge Trust?—There is no doubt it will indirectly benefit property all round London.

1212. More particularly in that part of London where the trust property is?—I think the freeing of Southwark Bridge would benefit trust property which lies in Southwark, but not so the bridges higher up the river. There is no property of theirs lying higher up than Southwark.

1213. If there is free access to the City the amount of business transacted in the City will be increased, and thereby the property will be increased in value?—Yes, the bridge lands are most on the south side. They will be benefited directly by the opening of the iron bridge. I do not think they would be benefited materially by any other bridge.

1214. Would they not be benefited by the opening of Waterloo Bridge, throwing the north-west of London into communication with them?—Indirectly they might be benefited by the opening of Waterloo Bridge.

1215. Sir *William Jolliffe.*] By the iron bridge you mean Southwark Bridge?—Yes.

1216. Mr. *Liddell.*] You stated just now that the Orphans' Fund, having fulfilled its original objects was continued and applied by Parliament to metropolitan improvements; you did not state what the original objects of that fund were?—The original object was the relief of the orphans of the City of London who had paid their money into the Chamber in the time of the Stuarts, and at the closing of the Exchequer in the reign of Charles II., that money was lost to the corporation and they were unable to pay it to the orphans and citizens for whom they held it in trust. An Act of Parliament was passed on the accession of William III., creating this fund, in which it is recited that "public accidents and calamities" had deprived the orphans of their property, and that the fund was created until all those parties were paid the money which they had lost, and interest thereon. It was consequently called the "Orphans' Fund."

1217. Consequently, these octroi duties are now levied for a purpose totally foreign to the original intention of the founder of the fund?—The objects are totally diverse. The fund was originally created for reimbursing to the orphans the money which they lost during the public calamities which took place in the reign of Charles II. There was no intention of making any public improvement fund out of it, but the fund grew by the increase of coals imported into London; the building of Blackfriar's Bridge, about the year 1770, was the first public improvement charged upon the fund, which was then more than sufficient to meet its obligations to the orphans. From that date, during the last hundred years, that fund has been again and again charged by Parliament for improvements in London. A very large number of thoroughfares in London have been widened at the expense of that fund.

1218. At its last continuance in 1861, did that Continuance Bill receive much discussion in Parliament, do you remember?—It was a good deal discussed; and the Honourable Member for the Tower Hamlets moved an amendment in the House of Commons against it, but he was defeated, and the Government carried the Bill, which had received their support.

1219. There was a strong opposition to it?—No, not a very strong opposition; there was an opposition, but it was very feebly supported in the House.

1220. I should like to ask you whether an indirect tax in the shape of an octroi is less felt than a direct tax in the shape of a rate?—I think it is very much less felt; the coal duty is less felt, I have no doubt, than a rate which would have effect on the premises of parties who carry on business.

1221. As a contrast between the two modes of taxation, can you say whether the cost of collecting an octroi duty is considerable?—Very inconsiderable. The cost of collecting the coal duty is very small indeed as compared with the collection of a rate from house to house.

1222. Is the collection of the wine duty easy?—It is very reasonably collected; it is all taken by the assistance of the Crown officers in the long room of the Custom House; only one officer is employed to collect it.

1223. *Chairman.*] Previous to the Bridge House

House funds being made applicable to Blackfriars Bridge, I suppose the maintenance of that bridge was by the Sewers Commission?—No, it was out of the Orphans' Fund. It was not only built out of the Orphans' Fund, but maintained out of the fund. There was a charge made upon the Orphans' Fund for lighting, watching, and repairing the bridge.

1224. Mr. *Tite.*] The toll did not last long, I think?—No, it did not.

1225. The tollgates were burned down at the riots in 1780, and were not put up again?—The Sunday toll survived many years after the week-day toll ceased. I can recollect the discharge of the bonds issued for the purchase of the Sunday toll.

1226. *Chairman.*] The maintenance of the Blackfriars Bridge was paid for out of the coal fund?—It was originally.

1227. Sir *Baldwin Leighton.*] What is the cost of collecting the coal duty?—I have not the figures with me. I think it does not reach one per cent.

1228. Mr. *Jackson.*] You have great facilities with the railway companies?—Yes.

1229. It is an increasing rate?—It is an increasing rate.

1230. Sir *William Jolliffe.*] The object of the inquiry being to free metropolitan bridges generally, and the probable sum of a million-and-a-half, or perhaps from that to two millions, being required for such a purpose, by what means would you advise that that fund should be furnished?—That is a somewhat difficult question for me to answer. It seems to lie between a rate extended over the metropolitan district, or an increase of the coal duty extended over the police district. That is the area which is taxed now to the coal duty. There is a good deal to be said on both sides of the question. I think, myself, that it would be unadvisable to increase the amount of the coal duty, because, although we have had ample evidence that the present duties do not hinder the consumption of coals, yet if there was any material increase, it would begin to operate prejudicially with regard to the poor.

1231. And with regard to trades, perhaps?—Yes; if I may throw out an opinion, the only opinion I have formed on the subject, it is this: I believe the money might be raised in a little while by the increase in the consumption of coals, not by any increase of duties, which, I think, would be unnecessary. If Parliament would only facilitate the passing of those Acts, some of which have been passed, and others are now being solicited, for the introduction of coals from all the districts, there would be such a consumption in London, that the increase on the present amount of duty would, I believe, meet all these requirements. That is my private opinion; I may be misinformed upon that point, but I think the increase would be more than enough to pay for the embankment. I believe if there are facilities given for bringing coals into London by railway traffic, there will be no occasion to add to the coal duties at all, for the natural increase which will take place will provide all the money that will be necessary.

1232. Lord *John Manners.*] Then the clause at the conclusion of the Act of 1861 would come into play, and enable these metropolitan bridges to be set free without further legislation?—I think it is very possible that a very large amount of that which is required to be done may be done in that way, and will be so effected. I think there will be a surplus in the coal accounts which will be sufficient to deal with this question; perhaps not at the present moment, but very shortly.

1233. *Chairman.*] The result of your answers would be to this effect, that, looking at the burdens thrown on the coal duty, that is the improvements for which the coal duty pays, you think the increase of consumption will be more than sufficient to pay these burdens, that there will be a surplus before 1880?—I think there will be a surplus ultimately, and I think that surplus would be very much increased by Parliament affording increased facilities in every direction for bringing coals into London.

1234. Mr. *Jackson.*] You said just now that an increased rate would be very prejudicial to the poor; do you not think it would be better to put a small rate upon the county property of Surrey and Middlesex, and relieve the poor by reducing the tax upon coal, of which you expect an increased consumption?—My answer was to this effect: that, if I am not too sanguine, there may, perhaps, be the means of effecting all that you desire without increasing the coal duties or levying a tax upon the inhabitants; or the tax might be levied for only a very few years, and then it would be found that it would be relieved by the increased consumption of coal.

1235. Still you would retain that heavy charge upon the manufacturers and the poor of London which now exists, and of which you say they complain?—My impression is that the present duty has not been felt; it has been continued, more or less, in its present shape for 200 years, and from all the evidence we have heard, it does not act so as to prevent the consumption of coals to any extent; but if the duty were increased, it would begin to operate in that direction; it would begin to be a prohibitory tax with a certain class if pushed much further; but with the duty at its present amount, we have had evidence repeatedly before the Committee of this House that it does not distress the poor at the present prices of coal.

1236. Lord *John Manners.*] In 1871 there will be a considerable surplus of the Bridge House Estate?—Yes.

1237. In 1880, according to your view, there will be a surplus from the coal duties?—Yes.

1238. Putting these two surpluses together, are you of opinion that the metropolitan bridges may in that mode be set free of toll without further increasing the taxation of the metropolis or of the counties?—I entertain a sanguine hope that the coal duties in the next few years will be found to increase largely, and that even before 1882 it will be found that a calculation may be made that a larger sum may be charged upon the coal duties than is at present charged. I am not supposing that we wait until 1882, but I am supposing that in the course of a year or two it will be apparent that there will be a large increase of coal duties, and that with that we may see the propriety of raising a sum of money which would free the bridges in the metropolis.

1239. You would continue the tax instead of lowering it?—I would continue the tax instead of increasing it; I think it is about the most useful metropolitan tax you can find. You will find none, I think, which is so generally shared by all classes, and shared so much in proportion to their means of paying. The poor, with their small rooms and their small houses, burn but a

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very small quantity, but it is an article which is consumed very largely by the wealthy classes, and by manufacturers, who make large profits out of its consumption. I think it is one of the fairest taxes which you can devise for metropolitan improvement: I would continue the tax, but I think it would be objectionable to increase it.

1240. Mr. *Tite.*] How is the great improvement at Holborn Hill to be paid for?—It is to be paid for out of the 4*d.*, part of the 13*d.* now levied.

1241. Your answers appear to go to the freeing of the bridges out of the increased funds which I agree with you in thinking are largely increasing, and may increase, very likely, in the proportion you expect; but what is to become of the other improvements which are so much asked for in the Metropolis as well as in the City of London, because the present rate seems to be swallowed up by what we are at present doing?—I think the Metropolitan Board of Works have power to levy a rate in the Metropolis, which they have not exercised.

1242. I presume you know that they have exercised it to a large extent?—I am not aware to what extent; I think they have some powers unexercised as yet.

1243. Are you aware of the working of the rates which they at present levy beyond the City or in the City; do they now levy a main drainage rate of 3*d.* in the pound, and other rates, for paving, lighting, and cleansing, amounting to 3*d.*; have you any experience about it?—I have not heard much upon that subject by way of complaint: of course, a rate of 3*d.* is objected to in the City, and would be objected to anywhere, if it could be avoided.

1244. The two rates being 6*d.*, have you any opinion as to whether it would be possible to carry that rate much further without pressing upon the poor very considerably?—I am afraid it would act oppressively in some districts of the Metropolis more so than in the City.

1245. Mr. *Liddell.*] Are you aware that the present coal dues amount to as much as 3*d.* or 4*d.* in the pound in certain parishes, for instance, Staines?—No; I am not aware of that.

1246. Supposing that to be the case Staines benefits very little from a new street Bill in the City, does it?—The benefits of improvement in the City of course diminish as you increase the distance from the centre, but it is becoming more and more the habit of gentlemen in London to travel out of town every day. I myself live 20 miles from town, but I make use of those bridges and streets twice every day, coming and going, and that is the case with a very large amount of the population of London now.

1247. Still the poor-rate payers of Staines practically derive little benefit from London improvements?—They would be more benefited by freeing bridges up the river, of course, than by bridges nearer the centre.

1248. Is not that a strong additional reason against the continuance of this coal duty, or rather, against the increase of the coal duty?—I think the coal duty does not extend to Staines; it falls short of Staines, I think. A few years ago it was collected within 20 miles of St. Paul's, it is now collected within a distance of about 16 miles on an average. I think that the inhabitants of Staines are relieved from the coal duty.

1249. Then I am speaking under a misapprehension; does Staines not pay the coal duty?—Not unless it is included in the Metropolitan Police District.

1250. It is?—Then that would be a tax upon the inhabitants of Staines, no doubt.

1251. Looking at it in the light in which I have put it would be a strong argument, certainly, against increasing the coal tax?—I do not think it would, because in either case if they are within the district they would pay the county rate; if a county rate is to be levied they would pay a county rate for Middlesex, or they would pay the coal tax if it were increased. I do not see that there would be any argument arising either way in that case.

1252. Do not you consider that an octroi duty upon an article of prime necessity is *per se* an objectionable tax?—If it can be avoided; but if it cannot be avoided and the tax must be raised, I see no objection in arriving at taxation by the consumption of coals, any more than by the occupation of a dwelling.

1253. Does not it become doubly objectionable when it is levied upon persons for purposes which do not benefit those persons?—I think it does benefit them indirectly. We found in 1861, when this matter was investigated by a Committee, that the inhabitants of Staines, and even persons 130 miles from London, send their produce every market day into London for sale. Of course the inhabitants of Staines will not be benefited by opening the bridges in London, as much as the inhabitants of London itself. But indirectly they do receive a benefit. They send market carts to London two or three times a week. London is the great market which they all frequent; some frequent it for the purpose of making money by employment in London in trade in some way or other, and others by sending produce up to London. By removing the tolls all these parties would be relieved, and should in some way contribute. It is impossible to make the incidence of taxation perfectly fair in every respect; but I think that either a rate on the county, or the coal duty, would be a fair rate for the purpose, but I should myself personally regret to see the coal duties increased.

1254. Sir *William Jolliffe.*] You talk of increased facilities which it is desired Parliament should give to the consumption of coal: by those increased facilities, do you mean the sanctioning direct railway communications with other coal-fields?—I do. I refer particularly to opening other coal-fields, which at present have not the benefit of immediate access to the Metropolis.

1255. Sir *Baldwin Leighton.*] We understand the poor man and the rich man now pay equally for the coal duty?—I think it is a fair tax with reference to rich and poor.

1256. Have you ever calculated how much a rich man, living in a square, consumes, and how much a poor man consumes in a year?—I have not. I have, however, consumed more coal, as I have increased the premises in which I reside, and I believe it is so with most of us.

1257. Have you calculated what a poor man pays, and what a rich man pays?—I think they pay very much in proportion to their means; more so than if you put a tax upon dwellings.

1258. Does the poor man pay the poor-rate?—Not the extremely poor.

1259. The man who has two rooms?—I presume not; in the case of a man who has two rooms the landlord pays the rate.

1260. A halfpenny in the pound would never make any difference to him, although it would to his

his landlord?—I have thought a good deal about the coal tax at various periods, and I think it is about as fair a tax as you could levy for this purpose, but I think it should be kept within moderate limits or it might become a prohibitive tax to a small class of consumers.

1261. Lord *John Manners.*] I think you have said that there was an opposition in 1861 to the continuance of the coal duty?—There was.

1262. Not a very strong opposition?—Not a strong opposition.

1263. Are you aware whether it was promoted chiefly by the wealthier manufacturers or by the poorer classes?—It was promoted entirely by the wealthy manufacturers who used coal for steam purposes. They formed a committee to oppose it, but that opposition did not avail in Parliament.

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1264. *Chairman.*] The coal tax is now much eased by a drawback; there is a systematic drawback?—It is much alleviated in its pressure. All persons bringing coal into the district and taking it without the Metropolitan district are allowed a drawback, so that the Metropolis taxes itself merely for Metropolitan purposes. Formerly the towns of Hastings, Dover, and Brighton paid the tax, which was very hard. The coal was carried through London and taxed, and they had to pay the tax in the outports. Now those towns are relieved. (*The Witness delivered in statements of Accounts.*—Vide *Appendix.*)

Mr. Robert Alexander Tillcock, called in; and Examined.

1265. *Chairman.*] You are one of the inspectors of the City of London police force?—Yes.

1266. Do you attend here to put in two returns of the traffic taken on London Bridge during two days last week?—Yes. (*The Witness delivered in the Returns.*—Vide *Appendix.*)

Mr. *R. A. Tillcock.*

Mr. Randolph Henry Horne, called in; and Examined.

1267. *Chairman.*] You were asked to bring in certain returns from Staines Bridge?—I have been asked to give evidence on the amount of our debt.

1268. What is the capital of the Company?—£.80,500.

1269. How was it raised?—In bonds or mortgages. We always call them bonds, but they partake more of the character of mortgages.

1270. Are they in existence now?—They are all in existence now.

1271. What is the amount of interest paid?—£.1. 4 *s.*

1272. Have you ever paid a higher dividend than that?—Not of late.

1273. What is the highest dividend you ever paid?—The money was raised at 4½ per cent.

1274. But what interest have you paid to the bondholders from the revenues of the bridge?—We paid about 25 years, until it fell into the mortgagee's possession.

1275. Did the earnings of the bridge ever enable you to pay 4½ per cent. upon the capital?—Yes; no doubt of it.

1276. Can you tell why it has declined so much since that time?—From the opening of the two railways, the Great Western and the South Western, taking the entire traffic off the road.

1277. Did the companies give you any compensation for the depreciation of traffic?—No.

1278. What do you charge now for carriages, horses, and foot passengers?—Every horse drawing, 6 *d.*; 1 *s.* for a pair of horses; so in proportion for four in hand; 2 *d.* for saddle horses, and nothing for foot passengers.

1279. Do the carriages get tickets to return free, or do they pay both ways?—They are free for 24 hours; I mean from 12 o'clock one night to 12 o'clock the next.

1280. They do not pay a return fare the same day?—No.

1281. *Chairman.*] How is it that the foot passengers are free?—The former bridges never charged for foot passengers.

1282. Mr. *Jackson.*] They had no Parliamentary powers to exact the toll?—No, it would not have done in these days.

1283. Can you give the gross receipts for the past year?—I have the balance sheet for 1864, which was issued in January 1865. (*The Witness delivered in the Balance Sheet.*—Vide *Appendix.*)

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1284. Mr. *Ayrton.*] Can you tell us how much the gross receipts used to be?—I have a memorandum showing that in 1838 the tolls were let for 4,035 *l.*; that was before the railways were opened.

1285. *Chairman.*] Are they let now?—No, they are in Mr. Levi's hands, the mortgagee in possession.

1286. How much is due to Mr. Levi, as mortgagee in possession?—I think it is a thousand pound bond. I am not quite sure; he took offence and brought an action for some reason or another.

1287. Mr. *Jackson.*] Has he received the full amount of interest?—No.

1288. What is the take now?—About 1,000 *l.* a year.

1289. Then the traffic has been reduced about 75 per cent.?—Yes.

1290. Are they building much round Staines now?—They are going to do so. I understand they are going to put up about 30 houses in one spot, near Staines, this summer.

1291. *Chairman.*] What material is your bridge made of?—Granite.

1292. Not of iron?—No, it is very like London Bridge.

1293. Sir *Baldwin Leighton.*] When was it built?—It was built at the same time as London Bridge, and opened within six months. I do not quite recollect the date. London Bridge was opened in September or October, and I think we were opened about six months afterwards.

1294. Mr. *Liddell.*] Do you benefit much at Staines from the building of new streets in the City of London?—No, not that I am aware of.

1295. Do you know whether the inhabitants of of Staines, generally, think that they benefit by Metropolitan improvements?—I never heard them express themselves in that way.

1296. Have you ever heard them complain of paying 4 *d.* or 3 *d.* in the pound more than they otherwise would do for coals, in order to build streets in the City?—They pay, but I do not suppose they know much about it; there is no doubt it is a tax of about 3 *d.* in the pound upon the rateable value of Staines.

1297. Do you think it is just that the inhabitants

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bitants of Staines should pay so much more for their coals, in order to supply funds for improving the approaches to the City of London?—No.

1298. The opening of the Metropolitan bridges might do Staines some good, that is, those inhabitants who attend markets; do you agree in that opinion?—I could not give an opinion upon that, I have not considered the subject sufficiently.

1299. But you are perfectly clear that the improvement of approaches and the building of new streets in the City can be of no benefit whatever to Staines?—Certainly not.

1300. Sir *William Jolliffe.*] Staines would benefit much by having its own bridge free, I suppose?—I have no doubt it would. When our place is hemmed in by a sixpenny, or a shilling, or a twopenny rate, of course it prohibits people coming.

1301. You think it would be very unfair to free all the other bridges where the coal tax is paid and not free yours?—I think it would.

1302. Lord *John Manners.*] Has your attention been called to the Bill which has been referred to this Committee?—No.

1303. Look at the last page and refer to the Schedule; I think you will see that Staines Bridge is not included in it?—I do not see it there.

1304. I understand that the inhabitants of Staines pay the coal tax?—Yes, we do pay the coal tax; I think my house is the last house in Middlesex, and I suppose the coal tax runs a quarter of a mile further on.

1305. If the metropolitan bridges are to be set free wholly or partially through the action of the coal tax, would it be your opinion that Staines ought to be included in the operation of the Bill?—I think so.

1306. And is it your opinion that freeing Staines Bridge would benefit the inhabitants of Staines, and enable them to get some benefit out of the coal tax, which they now pay?—It must, I think, operate in that way, because they now pay for going over the bridge, and if they did not pay it would, of course, be a benefit *pro tanto.*

Mr. William Baker, called in; and Examined.

Mr. *W. Baker.*

1307. What is your profession?—I am Solicitor and Clerk to the Commercial Road Trust.

1308. Have you no bridge on your trust?—Yes; there is a bridge over the Lea, Barking Road Bridge.

1309. That is part of the property of the trust?—Yes.

1310. Was it built by the trust?—Yes.

1311. Is it a toll bridge?—Yes, there is a toll on passengers.

1312. And on other traffic?—That is for the use of the road generally; if they have paid previously at a previous gate upon that road they would not pay at the bridge; it is not a bridge-toll for carriage traffic.

1313. Is there a tollgate there?—Yes.

1314. Both for horses and for passengers?—Yes.

1315. What is the charge per passenger?—We have power to take a penny, but we only take a halfpenny; for many years we have only collected a halfpenny.

1316. Each way?—A halfpenny each way.

1317. Is there any debt on that trust?—Yes; there is a debt of 50,000*l.* remaining. The debt was originally 122,085*l.*, that is to say, at the time when our Act of 1849 came into operation; but we have since paid off 71,529*l.* 2*s.* 1*d.*, so that the debt is now reduced to 50,555*l.* 17*s.* 11*d.*

1318. Is your revenue such that you can pay off a portion of the debt annually?—Yes; we pay off a portion every year.

1319. Perhaps you can give us the statement of account of last year; what did you take last year; tell us the gross receipts?—Last year 17,033*l.* 5*s.*

1320. That is the whole trust?—Yes.

1321. How many miles does that comprise?—Seven miles.

1322. How much debt did you pay off last year?—We paid off 7,273*l.* 5*s.* 8*d.* in January last.

1323. Then the takings were 7,000*l.* over the expenses?—Yes.

1324. Is the other 10,000*l.* for materials and maintenance of road?—£.2,920. 12*s.* 1*d.* was paid in interest, and the other expenses were 6,863*l.* 19*s.* 2*d.*, making a total expenditure of 9,784*l.* 11*s.* 3*d.*

1325. Can you tell us what is the amount of toll taken at the bridge for passengers?—I cannot tell you for passengers; I can tell the total amount of toll collected at the bridge. Last year it was 4,658*l.* 10*s.*

1326. Cannot you separate how much of that was for passengers?—I can give you it approximately, if you desire it. I could have that calculated for you.

1327. Mr. *Ayrton.*] Does the trust extend into Essex?—Yes.

1328. How many miles?—Between three and four miles?

1329. How many gates have you between Barking and the western terminus of the road?—Three main gates (including the Bridge gate), and two side gates.

1330. There are a good many marked on the map?—That is on the Middlesex side. You only see one marked in the plan, and that is the main gate at East Ham.

1331. On the western side how many gates are there?—I think there are eight.

1332.—Are those all main gates or side gates?—Principally main gates. We abolished 25 side-bars, which were removed in 1860.

1333. Can you tell the Committee how much toll is collected on the west side of Barking Bridge, and how much on the east side?—I should say, in round numbers, 12,000*l.* of last year's toll would be collected on the west side of the iron bridge, and 5,000*l.* on the east.

1334. Do you know whether it is often found necessary to take pledges from the labourers, for the toll, going over the bridge?—Very rarely; we contract with the labouring men at 3*d.* per week; the artizans who are employed at Mare's. Instead of taking toll from them, which would be inconvenient each time of passing, we contract with them at 3*d.* a week.

1335. *Chairman.*] That is a composition?—Yes, a composition. That is a halfpenny per day for passing and repassing; they pay the toll once a-week

1336. Lord *John Manners.*] Does that enable them to go free on Sundays?—We do not collect any

any passenger toll on Sunday, but it is thrown open. It has been considered a very great boon, and has been much appreciated.

1337. *Chairman.*] How long has that been opened on a Sunday?—That was from the 1st of July last year.

1338. Mr. *Ayrton.*] Where you pull down the sidebars have you entirely remitted all collection of tolls, or do you keep people about, to prevent evasion of tolls?—There are one or two checkbars; but, practically, I think there is very little toll collected in that way; the main sources of collection are the main gates; so that the public have been relieved of the sidebars. Instead of experiencing any diminution in consequence of the removal of those sidebars, our tolls are increased; so that the public, locally, have been relieved; but our revenue has been improved since then.

1339. *Chairman.*] I suppose that is from the increase of buildings?—Partly from the extension of the trade of the port of London. Our revenue is principally derived from the dock traffic.

1340. Mr. *Ayrton.*] Is the expenditure you have mentioned for last year an extraordinary expenditure, or a fair average?—A little below the usual average. I have figures for the last five years. In 1860 the expenditure was 9,895*l.* 2*s.* 11*d.*; in 1861, 10,434*l.* 16*s.*; 1862, 9,663*l.* 1*s.* 1*d.*; 1863, 10,231*l.* 17*s.* 5*d.*; 1864, 9,784*l.* 11*s.* 3*d.*

1341. Is there much traffic on the granite track laid down in this road?—Very considerable.

1342. Did the placing of that track add much to the expense of constructing the road?—Very considerably.

1343. Is the traffic on the track chiefly from the docks to the City of London?—Yes.

1344. And are all the docks rated by the Metropolitan Board of Works for the benefit of the improvement rate of the metropolis?—No doubt.

1345. Lord *John Manners.*] Does your trust extend beyond the limits of the Metropolitan Board of Works?—Yes.

1346. Does it extend beyond the limits of the Metropolitan Police District?—I am not quite aware of the extent of the police district; the trust extends to the entrance of the town of Barking, which is rather more than three miles beyond the limits of the Metropolis Management Act.

1347. Look at that map, and, by reference to that, tell me whether your trust extends beyond the limits of the Metropolitan Police District?—It is all within the limits of the Metropolitan Police District.

1348. Mr. *Ayrton.*] Is that bridge in this Act; Barking Bridge?—No; that is in the previous Act of 1828.

1349. *Chairman.*] Have you calculated within what period, judging from the actual revenue of the bridge and its prospects, you will get rid of all debt?—I have made a calculation, estimating our probable surplus at 7,200*l.*, taking it at the same amount as last year; and I find that, adding to that the interest saved annually by the end of January 1871, we shall pay off 51,485*l.*, which will be rather more than our debt.

1350. In 1871 you calculate you will be out of debt?—Yes; if we are not interfered with, we shall pay off the debt, in all probability, in 1871.

1351. Under what clause do you levy the bridge toll; has not that Act expired?—No; that is continued.

1352. How; by the Act of 1849?—Yes.

1353. How do you collect your tolls?—All the Act of 1828, except certain sections which are repealed, is continued and extended.

1354. You are not a company?—Not a joint-stock company, strictly so-termed.

1355. Mr. *Ayrton.*] A corporation?—We are a trust, a turnpike-road trust; but the funds were raised by subscription, therefore it partakes of the nature of a joint-stock company. The rate of interest is limited to five per cent. by Act of Parliament; so that we stand now very much on the footing of an ordinary turnpike road.

1356. Are the bonds running at five per cent.?—Yes.

1357. Do you pay off every year?—Yes; the Act of Parliament directs that we pay off our debt out of our surplus income: it is done by tender.

1358. *Chairman.*] You do not take tolls for passengers anywhere except at the bridge?—No.

1359. All the roads are free?—For foot passengers.

1360. Sir *Baldwin Leighton.*] Does the bridge divide Essex from Middlesex?—No. The Barking-road extends partly into Essex and partly into Middlesex; the River Lea divides the counties. There is a separate power in the original Act to take toll upon the three roads, Barking-road, East India-road, and Commercial-road. The power as regards two is repealed, but it is retained as regards Barking-road. We act entirely under the original power, which is not repealed.

1361. Mr. *Ayrton.*] Is the bridge in good order?—Yes, in very good order now.

1362. When was it built?—About 50 years ago, about 1810.

1363. *Chairman.*] It is not a very strong bridge, I think?—This was one of the earliest iron constructions in the country; probably they have improved since then.

1364. Is it equal to taking any amount of traffic that presents itself?—We have been obliged to limit the weight to 15 tons.

1365. Mr. *Jackson.*] Do you think it will last till 1871?—I am certain that it will, and some years longer. (*The Witness delivered in a statement of Accounts.*—Vide *Appendix.*)

Mr. Stephen Seaward Tayler, called in; and Examined.

1366. *Chairman.*] Are you Secretary of Battersea Bridge?—I am acting proprietor of Battersea Bridge; we have no secretary; I look to the general management of the bridge.

1367. It is a proprietary bridge?—It is a proprietary bridge, and I am the managing proprietor; one out of 13.

1368. What is the capital of the bridge?—We have no account of our capital; I am not aware that at any time a capital account has been formed.

1369. Mr. *Jackson.*] There must have been money put down?—Time out of mind there were amounts sunk in the bridge.

Mr. *S. S. Tayler.*

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1370. How many proprietors have you?—Nominally, 15.

1371. What is the capital invested in their names?—We have nothing which shows it.

1372. What dividend do you pay?—Allow me to explain. Our bridge is divided into 15 shares, two were bought up, leaving 13; the profits are divided, therefore, every year into 13 parts.

1373. What was the last division?—£. 350 last year per share.

1374. What is the total take of the bridge?—Last year the gross revenue amounted to 5,768 *l.* 14 *s.*

1375. Mr. *Jackson.*] And what are the expenses?—They average about 1,200 *l.*

1376. *Chairman.*] What is the toll per passenger?—A halfpenny for foot passengers, a penny for saddle horses, and twopence each for draught horses.

1377. Do you take payment each way?—We take payment on every occasion of passing; empty cabs are allowed to return at a reduction.

1378. Is there some arrangement between you and the Albert Bridge, that your bridge is to be done away with when that is constructed?—There is no arrangement to that effect; the only arrangement is, that they purchase our bridge upon certain terms, provided they complete their bridge, but as to the future of our bridge, no arrangement has been made.

1379. Mr. *Ayrton.*] What are the terms?—They are to give us preferential rentcharges to the amount of 3,000 *l.* a year upon both bridges, so long as they exist.

1380. *Chairman.*] Then the intention was not to do away with Battersea Bridge; that would remain, but it would be the property of the Albert Bridge Company, they securing to you a perpetual rentcharge for your interest in the Battersea Bridge?—Yes, as far as I am aware.

1381. Mr. *Ayrton.*] Where is Albert Bridge?—It will cross the river in a line with Oakley-street on the Middlesex side, and the approach to it on the south side would form the western-most boundary of the park.

1382. It goes from Battersea Park to Oakley-street?—Yes.

1383. *Chairman.*] If the Albert Bridge were constructed, Putney Bridge was to be done away with?—Putney Bridge is altogether a different affair, it is two miles further up the river. Battersea Bridge and the new Albert Bridge are within a quarter of a mile of each other.

1384. Mr. *Ayrton.*] Was that arrangement that you have spoken of an arrangement that you compelled the Albert Bridge Company to enter into?—It was made very much for this reason, that if the Albert Bridge were built, it would take away the bulk of our traffic.

1385. Is that arrangement embodied in their Act of Parliament?—Partly in an Act, partly in an agreement entered into under the powers of an Act.

1386. The condition is that if they build this bridge, they are to pay 3,000 *l.* a year and take your bridge?—Just so.

1387. They have not begun yet?—I believe not.

1388. *Chairman.*] If the Albert Bridge became the possessors of your bridge, were they willing to do away with Battersea Bridge and leave only the Albert Bridge, or would Battersea Bridge remain?—They will be under the same obligation to maintain Battersea Bridge as the present proprietors of that bridge now are. There is no arrangement of any kind with us as proprietors of Battersea Bridge, and what their view may be upon the question I am quite unaware. There is nothing in the Act of Parliament about it.

1389. The agreement between you and them is, that they are to secure you a rentcharge of 3,000 *l.*?—Yes.

1390. And then you would have nothing further to do with Battersea Bridge; it would become their property to do what they liked with?—Yes; we should be only holders of rentcharges secured upon the tolls of both undertakings to the extent named.

1391. Mr. *Jackson.*] In the Act of Parliament permissive powers are given to agree with you?—Yes.

1392. You have entered into the agreement, but the agreement has not been carried out?—The provisional agreement.

1393. And it has proceeded no further?—Not at present.

1394. And until the agreement is carried out, you remain in possession of your own property, in receipt of your own toll?—Just so.

1395. *Chairman.*] What I wanted to know was, whether the Albert Bridge was to be in substitution of Battersea Bridge, or whether Battersea Bridge would be still continued?—Battersea Bridge will be continued.

1396. Sir *Baldwin Leighton.*] When was your Act of Parliament obtained?—The Act under which Battersea Bridge was built was passed in 1766.

1397. Mr. *Ayrton.*] Are you, under that Act, bound to keep up the bridge?—By implication. There is nothing specific upon that point.

1398. Is it considered to be in a durable condition, at present, without very heavy repairs?—Yes, it is in a very good condition.

1399. Lord *John Manners.*] Has any road, since the creation of that bridge, been opened at the expense of the parishes, in connection with the bridge?—Not in connection with the bridge; approaching roads have been opened in various diretions during the last 100 years, but nothing in connection with the bridge directly.

1400. We understand that it was quite optional with the new company to destroy this bridge altogether, without any reference to the public opinion, or the public interests in the neighbourhood?—I should imagine not; our bridge was built under an Act of Parliament, and I suppose some Act of Parliament will be required to remove it.

1401. Mr. *Ayrton.*] Have the tolls of the bridge diminished in late years?—They were very much injured by the opening of the new Government Bridge, the Chelsea Bridge; since then there has been again an improvement.

1402. They were formerly much more than at the present time?—At one time they were considerably more.

1403. *Chairman.*] You object to Chelsea Bridge being bought by Parliament, to your prejudice, do you not?—To our prejudice, decidedly; because, if the bridge were bought and thrown open, no doubt it would take away the largest part of our revenue.

1404. You think it ought not to be bought by public funds?—I think, if the bridges are bought, our bridge, which has the largest traffic over it, should be bought first, because it would be of the greatest public utility; besides that, being the oldest standing, it should have a priority of claim.

1405. You

1405. You think it would be a great injury if the Consolidated Fund were to buy Chelsea Bridge and not yours?—Undoubtedly.

1406. Mr. *Jackson.*] Did you appear before the Committee of which Sir Benjamin Hall was chairman?—I did.

1407. That was upon the question whether Battersea Park Bridge should be set free?—Yes; and at our representation, with regard to the fairness of the question, those gentlemen let the question pass by.

1408. There was a decision by a majority against setting it open?—Yes.

1409. Mr. *Ayrton.*] Do you know if any of the shares of Battersea Bridge have been sold?—Not within a very recent period. In 1843 a share changed hands, that was the latest.

1410. That was before the fall of the tolls?—At that time the tolls were less than they are now.

1411. Have you any objection to state what the share sold for at that time?—I think it sold for 6,600 *l.*, but I should say in fairness that that included a small sum of consolidated annuities and some landed property bringing in a small ground rent.

1412. The share of the land was included in that money?—Yes.

1413. Have you disposed of the surplus?—That is still the same as previously.

1414. *Chairman.*] You have an estate?—We have between five and six acres of ground on the Surrey side of the bridge.

Mr. *S. S. Tayler,*

1 June 1865

1415. Mr. *Jackson.*] In the event of the Albert Bridge completing their provisional agreement with you, your charge would be upon both bridges?—Yes.

1416. Consequently you take care in that agreement that provisoes are introduced to compel the Albert Bridge Company to keep up Battersea, as well as Albert Bridge, in perfect repair?—Yes; except so far as this goes, that we should consider ourselves tolerably safe if the one bridge were removed and the other remained, because we believe it matters little to the public whether they have one or two bridges. The gross revenue would be very much the same.

1417. *Chairman.*] Do you know any reason why the parties have not been able to raise the money to build the bridge?—I cannot state, as a matter of fact, that I am aware of any reason. I can only suppose that they have not found people willing to launch into the speculation.

1418. Mr. *Jackson.*] In the face of the Honourable Member's Bill before the Committee, you think they would be likely to pause?—No doubt; one of the Bills referred to this Committee would be exceedingly detrimental to the interests of such a company.

Mr. Robert Boak Baker, called in; and Examined.

1419. *Chairman.*] What is your profession?—I am a Solicitor.

1420. We understand that there is a road across the Isle of Dogs, in connection with a ferry, on which certain tolls are payable?—Yes.

1421. Can you give us some information on the subject?—The tolls were created by Act 52 Geo. 3, c. 148, but in consequence of the absence of any large manufactories or establishments of that kind in the Isle of Dogs at the time, there was very little transit between the Isle of Dogs and Greenwich, therefore the ferry fell into disuse. But for the last two or three years there has been a very great increase in the number of establishments which have been erected and are being carried on in the Isle of Dogs, so that it becomes an object of importance to continue that communication between Greenwich and the Isle of Dogs which formerly existed.

1422. Mr. *Jackson.*] To whom does the ferry belong?—To the Poplar and Greenwich Ferry Company.

1423. How far do their roads extend. They have the sole right of ferrying from Poplar to Greenwich?—They have the sole right of carrying goods, wares, merchandise, horses, carriages, and cattle, with the persons accompanying them.

1424. From the Isle of Dogs to the Kent side?—Yes, and the reverse way.

1425. With regard to passengers, there is no such right; they have a right to charge toll, but no right to prevent boats carrying them across?—I apprehend that they have a right to carry persons in connection with horses, goods, &c. There is a separate ferry, where foot passengers cross.

1426. You are not connected with that?—The Poplar and Greenwich Ferry Company are lessees of passenger tolls from the Potter's Ferry Company.

1427. Who does that belong to?—The Potter's Ferry Company.

1428. Have they any peculiar privileges under any Act of Parliament or old Charter?—I do not know, otherwise than from the recital in the 88th section of the Act of 52 Geo. 3, c. 148, before referred to.

Mr. *R. B. Baker.*

1429. You are aware that the Potter's Ferry Company became lately the subject of litigation between Alderman Cubitt and the company?—Yes.

1430. And there has been some recent decision on it?—Yes, but we were not interested in it.

1431. Do you know the facts?—I know that Sir William Cubitt got into litigation with persons who were carrying passengers across the ferry, but I do not know anything of the circumstances.

1432. Does your road lead down to the Potter's Ferry?—Yes.

1433. The Potter's Ferry, as I understand it, merely has the right of taking people across the Thames?—Yes.

1434. Have you a toll at the entrance of the Isle of Dogs to come down to Potter's Ferry?—Yes.

1435. Mr. *Ayrton.*] There is a road in connection with the ferry, is there?—Yes.

1436. Where does that road lead from?—There is a road on either side of the island, east and west, and they unite at the ferry.

1437. Leading from the Commercial Road?—Leading from Poplar on one side, and Limehouse on the other.

1438. Going round the Thames border of the Isle of Dogs?—Yes, on the west side, but on the east the road runs through the centre of the island.

1439. That is subject to some toll, is it not?—Yes.

1440. Where; at the toll-gates?—At the entrances from Poplar and Limehouse where the gates stand.

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1441. At each point where the Isle of Dogs branches out from the Commercial Road?—On the east and west sides in Poplar and Limehouse. The gates are not connected with the Commercial Road, which is some distance away.

1442–1443. Is there one toll for the whole distance; what is the amount of it?—This schedule contains a statement of the tolls now collected; namely:—

The Schedule referred to under the Act 52 Geo. 3, c. 148.

For every horse, gelding, mule, ass, or other beast drawing any carriage or attending the same - - - - - - - -	4 *d.*
For every horse, gelding, mule, or ass, laden or unladen, and not drawing - - -	2 *d.*
For every drove of oxen or neat cattle, per score - - - - - - - - -	10 *d.*
And so on in proportion for any greater or less number.	
And for every drove of swine, sheep, or lambs, per score - - - - - -	3 *d.*
And so on in proportion for any greater or less number.	
The company is also empowered to receive from each person embarking in any boat or vessel, to be conveyed over the Thames at the ferries on either side, a toll of -	1 *d.*

1444. Do you know whether there is any debt upon the road?—There is a large debt due to the persons who originally contributed money for the purpose of establishing the ferry and the roads.

1445. Then you have from a particular point in the Isle of Dogs a ferry across to Greenwich?—Yes.

1446. Is that kept up now?—For many years there was scarcely any traffic in the conveyance of horses, carriages, cattle, or merchandise, so that it came into disuse; but there has lately been a very large increase of establishments there, and the subject of restoring the ferry is under the consideration of the company.

1447. It would be a great inconvenience to the manufacturers along Millwall, to have tolls in the Isle of Dogs?—I do not think the toll is exorbitant; it is necessary to keep up the roads, by some means.

1448. Are not the manufacturers along Millwall the largest consumers of coal in the metropolis?—I do not know.

1449. Do you not think that iron shipbuilders in Millwall are the largest consumers of coal in London?—No doubt they consume a great deal; I cannot speak to relative quantities.

1450. They are compelled to pay toll for the use of this road to go to their works?—Yes, some of them.

1451. Sir *Baldwin Leighton.*] Are you paying off your debt?—Hitherto we have not been able to pay off any portion of it, but the present aspect of affairs encourages the belief that some portion may shortly be paid off.

1452. You could put in the balance sheet of your accounts?—I sent them two or three days ago to the collector to make up, but unfortunately they have not been returned to me; I am expecting them daily.

Mr. John Edwin Bradfield, called in; and Examined.

Mr. *J. E. Bradfield.*

1453. *Chairman.*] You were asked to produce some figures with reference to the county assessments?—Yes. I have a statement showing the assessment of the four counties, Essex, Kent, Surrey, and Middlesex, in 1863. The total amount is 16,794,906 *l.*, without the City.

1454. What is the amount of the City?—£. 1,300,156.

1455. For what year?—1862. The City amount of assessment to property tax in 1863 is given in Return 321 (1864), of the House of Commons, as 2,058,125 *l.* The assessment for the metropolitan police rate was upon 14,183,098 *l.*, exclusive of the City; the amount for the City was 1,300,156 *l.*; making a total of 16,183,254 *l.* That was for 1863.

Joseph Noakes, called in; and Examined.

J. Noakes.

1456. *Chairman.*] You have some information to give us about a bridge over the Lea, near Tottenham. Are you the clerk?—No; I keep a tavern. This gate is attached to my house; I merely receive the tolls for my landlord.

1457. Mr. *Ayrton.*] Is it a private way?—Yes.

1458. How much do you collect?—It averages about 150 *l.* a year.

1459. *Chairman.*] Is it for carriages and passengers too?—Not for foot passengers; only for carriages

1460. Does the landlord keep the road in order?—Yes.

1461. Who is your landlord?—Lord Maynard.

1462. Mr. *Ayrton.*] Is it beyond the limits of the metropolis?—Yes.

1463. *Chairman.*] Does the bridge divide Essex from Middlesex?—Yes.

1464. Sir *Baldwin Leighton.*] Is it by private Act of Parliament?—Yes.

1465. It is a private road altogether?—Yes.

1466. Under Act of Parliament?—Yes. Formerly, it was a ferry; but his Lordship put up this bridge to convey passengers over; and he put up the gate to pay for the bridge, not for the road.

1467. *Chairman.*] How long ago was that?—Fifty years ago, I should think.

1468. Are there turnpike roads on each side of the bridge?—This bridge crosses the River Lea; one side is in Middlesex, and the other in Essex.

1469. Are they turnpike roads, or mere parish highways, or private roads?—Private roads.

1470. Who keeps the roads in repair?—His Lordship one part, and the New River Company the other part.

Jovis, 15° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Adam.
Mr. Ayrton.
Mr. Hanbury.
Sir William Jolliffe.
Sir Baldwin Leighton.
Mr. Liddell.
Mr. Alderman Salomons.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. EDWARD GEORGE MAYNE, called in; and Examined.

Mr. *E. G. Mayne.*

15 June 1865.

1471. *Chairman.*] YOU are Chief Clerk to the Commissioner of Police?—Yes.

1472. You attend to present a return from the Chief Commissioner of Police as to the traffic of Westminster Bridge?—Yes. (*The Witness delivered in a return of traffic on Westminster Bridge.*—Vide *Appendix.*)

Mr. ROBERT ALEXANDER TILLCOCK, called in; and Examined.

Mr. *R. A. Tillcock.*

1473. *Chairman.*] YOU attend on behalf of the City Commissioner of Police?—Yes.

1474. And you present a return of the traffic on Blackfriars Bridge?—Yes. (*The Witness delivered in a return of the traffic on Blackfriars Bridge.*—Vide *Appendix.*)

Mr. RICHARD JOSEPH DENNEN, called in; and Examined.

Mr. *R. J. Dennen.*

1475. *Chairman.*] YOU are Clerk to the Governors of Dulwich College?—Yes.

1476. You attend by virtue of a summons, to give the Committee information with regard to some roads adjoining the College, on which toll is taken?—Yes.

1477. By what authority are those tolls taken?—I can hardly tell you; the tolls have been received from time immemorial, under no special Act of Parliament that I can ascertain.

1478. Are those tolls on a public road?—It is a private road belonging to the College; it is private so far as the tolls are concerned.

1479. Mr. *Ayrton.*] Is there a gate to it?—Yes.

1480. Do you claim to open and shut it when you please?—Yes.

1481. *Chairman.*] What is the length of the road?—About a mile and a quarter.

1482. What is the revenue from the toll?—£. 500 per annum, under a contract.

1483. Is that for vehicles or passengers?—For vehicles, horses, cattle, and sheep.

1484. It is free for foot passengers?—Yes.

1485. It is an ordinary road toll-gate?—Yes.

1486. Mr. *Adam.*] Are there two tolls in the same line of road?—No, they are different roads, one upon the Penge-road, being the highway to the Crystal Palace, and the other being at Dulwich Court-lane, which is another way from Dulwich to Forest Hill.

1487. Is that road part of the property of the College?—Yes, it is part of the College estate; the income derived from the contract is applied to the general purposes of the charity.

1488. Mr. *Adam.*] Do you repair the road at your own expense?—Yes.

1489. *Chairman.*] Is any of the land let for building?—A great deal of it.

1490. On each side of the road?—With regard to that particular portion of the estate there is not at present much building in progress; there will be by-and-bye; much of the property we cannot deal with at present, it being on lease for a certain term of years.

1491. Mr. *Ayrton.*] Is it leased in block?—On one side there is a quantity of meadow land held under one lease, and until that lease expires we cannot deal with it.

1492. You have granted one lease of the property in block?—Yes; not the present Governors, the late Corporation did, so that for a time certain portions of the property cannot be touched by the Governors.

1493. *Chairman.*] Do you require an Act of Parliament to enable you to let the land for building?—We act under the 20th and 21st Victoria, c. 84.

1494. Mr. *Ayrton.*] You have power under that Act to grant leases?—Yes.

1495. *Chairman.*] You had an Act of Parliament to enable you to deal with your property?—Yes; it came into operation on the 1st January 1858.

1496. Have those persons who have any houses on that road any privileges with regard to these tolls?—No.

Mr. *R. J. Dennen.*

15 June 1865.

1497. They have to pay the toll?—Yes.

1498. Sir *William Jolliffe.*] Is it a horse toll?—Horses and cattle, and all kinds of vehicles.

1499. The vehicles do not pay separately from the horses, I suppose?—Yes.

1500. So much on the carriage, and so much on the horse?—The carriage and horses will pay so much; the horses, separately, will pay less.

1501. Mr. *Ayrton.*] There is no objection to dedicate these roads to the public, and have them repaired by the parish?—I am not aware of the steps the Governors would take.

1502. Sir *William Jolliffe.*] Is there a toll on horses ridden, and horses drawing, and cattle, and so on?—Yes.

1503. It is not on the carriage separately from the horses?—No, the carriage and horse, so much.

1504. A horse drawing, so much?—Yes.

1505. And two horses drawing, so much?—Yes.

1506. That is the way in which you raise your tolls?—Yes.

1507. These toll-gates are on roads that are free for foot passengers and I suppose highways for foot passengers?—Yes, it is a good road.

1508. They are public highways so far as foot passengers go?—Yes.

1509. Therefore, the rights of the College only extend to the traffic by carriage, horses, and cattle?—Precisely.

1510. *Chairman.*] Does Dulwich College pay rates?—Yes, and taxes.

1511. Mr. *Ayrton.*] The funds of the College are increasing very rapidly; are they not, year by year, on the average?—They are not increasing very rapidly now; but they will increase by-and-bye.

1512. They have increased?—They have increased.

1513. The charity would suffer no little inconvenience if the roads were thrown open, would it?—It would suffer a loss of income.

1514. But that would be no inconvenience to the charity if there was any increase of income?—At present I am inclined to think it would.

1515. But not when there is any further increase of income from its other sources?—Probably not.

1516. I mean, there is no special dedication of the increase of the funds of the charity which is anticipated that would be in any way prejudiced by abolishing these tolls?—Immediately, any loss of income from any source would be felt by the College.

1517. As soon as there is any increase of income there will be no special injury to the objects of the charity in remitting these tolls?—Probably not.

1518. Sir *William Jolliffe.*] When will the lease of these meadow lands terminate?—There are several leases; the property, as you probably know, is on the high road to the Crystal Palace. The London, Chatham, and Dover Railway runs close by the road.

1519. As these leases fall in, does the land let on building leases?—It will be let, of course, subject to such determination as the Governors may, after viewing the lands, decide upon.

1520. If the tolls were extinct, would not the value for building purposes be very much increased?—I think not; I do not think people care about the slight charge for the toll.

1521. *Chairman.*] Did not the 20 & 21 Vict., in enabling you to let the land for building, which you otherwise could not do, improve the value of the property?—Yes; we were enabled to let lands, as they came into our possession, for building, in such a way as the Governors might determine at the time.

1522. Has not that greatly improved your revenue?—It has improved our revenue, and will materially increase the revenue by-and-bye; but a considerable time must elapse before the benefit of that Act will be felt.

1523. Do you not think it is fair towards the public, when they have conceded a privilege of that kind, that you, on the other hand, should give up a toll that pays only 500 *l.* a year?—That is a question for the Governors themselves.

1524. Sir *William Jolliffe.*] You say the 500 *l.* a year is derived under contract for these tolls?—Yes.

1525. And that is the contract?—Yes.

1526. How often are the tolls contracted for?—Once a year now; there was a contract for three years, but on the last occasion the Governors let the tolls for one year only.

1527. Was an increase obtained by letting the tolls for one year?—No, not an increase; they were let by tender on one occasion, and there was an increase, I think, of 10 *l.* on the contract, but the next year the contractor had them at the old rate of 500 *l.*, because he said the profits were not enough.

1528. Who is your contractor?—Mr. Purdy.

1529. Are the tolls rising?—I am not aware.

1530. You are letting the gates higher now than five years ago?—No, the amount is 500 *l.* a year; there was an increase of 10 *l.* by contract, and then we fell back to 500 *l.* again.

1531. Sir *William Jolliffe.*] Have the Governors ever received the tolls themselves?—Yes, I think until the year 1860; they then thought it more desirable to let the tolls.

1532. To let them by tender?—Yes.

1533. Mr. *Adam.*] Does the carriage traffic from Vauxhall Bridge to the Crystal Palace pass through that gate?—Yes.

1534. And have not the tolls increased very much since the Crystal Palace was built?—Undoubtedly; the tolls were not let until the year 1860: the Crystal Palace was opened, I think, in 1854.

1535. One gate is on the direct road to the Crystal Palace, is it not?—Yes.

1536. *Chairman.*] What is the revenue of Dulwich College?—The rental is rather more than 12,000 *l.*

1537. Is not the total income very much larger?—The total income is larger; but then it has to be applied in particular ways according to the Act of Parliament.

1538. Mr. *Ayrton.*] What provision did the Act of Parliament make, with respect to future additions to the income; to what particular objects were they to be devoted?—To educational and eleemosynary purposes.

1539. No new specific object was indicated in the Act. It was merely increasing the existing objects?—It was an increase of the existing objects.

1540. *Chairman.*] Have not the Governors lately very much enlarged their scheme; increased the pay of their dependents, and enlarged their schools?—Yes.

1541. What is the total income of the Hospital? The

—The total income for the year 1864 was, in round numbers, 14,500 *l.*

1542. Not more than that?—No.

1543. Mr. *Ayrton.*] Is it within the district of the Board of Works?—Yes; Dulwich is a hamlet of the parish of Camberwell.

1544. Sir *William Jolliffe.*] You pay rates to the Board of Works?—Yes.

1545. *Chairman.*] Does not the Effra drain you?—A portion of the estate. The Effra was a small dirty stream; now it is almost dry.

Mr. *R. J. Dennen.*

15 June 1865.

Mr. Richard Folkes, called in; and Examined.

1546. *Chairman.*] What is your occupation?—I keep the Gatehouse Tavern and Hotel.

1547. Is there a toll there?—Yes.

1548. What parish is that in?—In the hamlet of Highgate, in the parish of Hornsey.

1549. What is the nature of the toll?—It is a toll upon all vehicles engaged in trade; all private carriages and saddle horses are exempt; several parishes adjoining are also exempt.

1550. Under what authority are these tolls taken?—Under a clause in my lease.

1551. A lease from whom?—The lease was granted originally to the Bishop of London; it is on his property. I purchased it from Mr. Chapman when I took the house. The last lease granted was, I think, in 1851, for 21 years, and it expires in 1872.

1552. You have the latter part of that lease?—Yes, seven years.

1553. Will you describe the tolls?—Twopence for each waggon or cart, or for each load; cattle 1 *d.* per drove, except on Barnet fair day, and then we are allowed to charge 4 *d.* per score; entire cattle 2 *d.*, and 4 *d.* at fair times.

1554. You have no authority except under the clause in your lease?—No.

1555. Where does the road go from, and where does it go to?—It is the Northern road through Highgate, going past my house, through Finchley and Barnet.

1556. Not all ways?—There are several roads; I am at the corner of the four roads.

1557. Do you mean that you take toll of everybody that passes the Gatehouse?—No, only for laden carts; carts engaged in trade.

1558. Of that class you take toll of everybody?—If they come through the gate, decidedly.

1559. Can they get to London without passing through your gate?—They can by going through the Archway Road, where there is a private toll; or they may go by way of Hampstead, where they have no toll to pay.

1560. If they go along the old road from the north of London, they must pass through your gate, and pay the toll?—The Highgate Road is not the old original North road.

1561. Mr. *Ayrton.*] Will you explain where the road leads from, between what places it communicates?—Going from London, you must pass through Highgate to go to Finchley, except you go along the Archway Tavern-road, where you have to pay three times the amount of toll I charge.

1562. It is from the east side of London?—Yes.

1563. To Finchley?—Yes, and from the City.

1564. To Barnet?—Finchley and Barnet and what we may call the great Northern towns.

1565. Is that the main thoroughfare?—Yes.

1566. Is the Gatehouse built over the road?—It was originally; the toll was established, I understand, 300 years ago.

1567. The gatehouse was originally built over the road?—Yes.

1568. And now it is at the side?—It is partly taken down, and it is at the side.

Mr. *R. Folkes.*

1569. The gate is on the road?—Yes; directly in front of the house.

1570. How much road belongs to the gate; what length of road?—I cannot tell.

1571. Sir *William Jolliffe.*] How much do you repair?—Not any.

1572. *Chairman.*] Does every man living at Highgate, going through that gate, pay the toll?—No one in Highgate. The parishes that do not pay are Highgate, Hornsey, Finchley, Whetstone, Tottenham Wood, Colney Hatch, Crouch End, and Fortis Green.

1573. Mr. *Ayrton.*] Do you know the reason of the exemption?—I do not. All private carriages and horses are also exempt.

1574. *Chairman.*] Have you any objection to state the rent and the amount of the toll?—The toll is supposed to pay the rent and taxes of the house, but I believe it does not. I have not taken an exact account of what I get, but I think I may say, in round numbers, that it is from 160 *l.* to 180 *l.* a year. The rent and taxes amount to more than that. Then we have to deduct the cost of taking the toll, which is 60 *l.* a year at least. We are obliged to keep a man or a boy entirely for that purpose.

1575. Do you hold the lease from the Bishop of London?—No; it is purchased from the last tenant.

1576. Mr. *Ayrton.*] You are the tenant of Mrs. Atkins?—She holds the lease last granted, the full term of 21 years.

1577. By the Bishop of London?—The last lease was granted by the Bishop of London. Then a Mr. Crane took the house, and sold it to Mr. Chapman, who was the party I took it from, and I have the remainder of the lease.

1578. *Chairman.*] Supposing I went along there in a cab, with a couple of hampers of wine, should I have to pay?—No.

1579. But if I were in a Whitechapel cart should I have to pay?—If I saw the name on a cart, or knew that the cart was engaged in trade, I should take the toll. We do not take the toll from cabs.

1580. If a traveller with his packs was going about in one of these hermaphrodite vehicles, would he pay?—Yes, that being a vehicle engaged in trade.

1581. But suppose he were travelling in a cab, with bandboxes inside, would he then pay?—I should not take the toll. I should think if we are authorised to take one we are authorised to take the other, but the custom has not been to take toll from cabs under any circumstances.

1582. Have you many disputes at your gate?—A very great many. The toll is a perfect nuisance.

1583. Mr. *Ayrton.*] Is this notice posted outside, "Old Gateway taken down, and the road widened at the expense of the Islington and Whetstone Trust in 1769. Toll to be paid as

Mr. *R. Folkes.*

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usual. *R. Folkes.*" ?—Yes. It is not put there by me.

1584. That is posted up?—Yes, I merely place my name there, as I am compelled to do, under all the reading, outside.

1585. *Chairman.*] Are there any cases of summons brought before the local magistrate with regard to this gate?—Not since I have been there; we have threatened many to summon them, but we have not done so. I may be called out of the house four or five times a day to settle disputes about toll; sometimes there is a bother and disturbance. To prevent that I take the person's name and address and let him go. I have never summoned any one.

1586. You almost require local justices to settle these disputes?—I have given strict orders when I have not been at home never to allow, on any consideration, a crowd to collect. If a man is determined that he will not pay we take something in pledge, if possible. People leave their bags, hats, and handkerchiefs, and things of that kind.

1587. You have to settle yourself who is and who is not a trader at the time you take the tolls?—Yes.

1588. Sir *William Jolliffe.*] Do you recollect the terms upon which the Bishop grants this toll?—I do not.

1589. Is it a toll granted from the Bishop, in the lease, upon carts and carriages employed in trade?—The only thing I know is contained in the extract from the lease; I can give no further information; I expect the particulars of the toll are to be found in the Bishop of London's office.

1590. Mr. *Adam.*] You have never enforced the toll legally in your time?—No.

1591. Has it been legally enforced at all?—I am not aware.

1592. You do not know that there has been an actual decision in favour of its legality?—I do not know that there has, and I do not know that there has not; my opinion is that it has not been decided.

1593. Sir *William Jolliffe.*] By whom is the road repaired?—The road in Highgate is in two parishes.

1594. Is it repaired by the parishes?—By both parishes, I imagine; part of Highgate is in the parish of St. Pancras, and part in Islington, and part in Hornsey.

1595. *Chairman.*] How long have you been there?—Only 12 months.

Lunæ, 19° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Adam.
Mr. Ayrton.
Sir William Jolliffe.
Mr. Leader.
Mr. Alderman Salomons.
Mr. Tite.

MR. ALDERMAN SALOMONS, IN THE CHAIR.

Mr. HENRY HEWETT MASON, called in; and Examined.

Mr. *H. H. Mason.*

19 June 1865.

1596. *Chairman.*] WHAT is your profession?—I am a Solicitor.

1597. What is your connection with Kew Bridge?—I am one of the trustees of the bridge, and have been connected with it for the last 10 or 12 years.

1598. Who are the other trustees?—Mr. Samuel Strong is the other trustee; we are trustees of the late Mr. George Robinson, of Richmond, who was the sole owner of the bridge.

1599. You are trustees under his will?—Yes.

1600. You were examined before Mr. Jackson's committee?—Yes, several years ago.

1601. You consider that you have a freehold?—No doubt of it.

1602. Under the Act of Parliament?—Yes.

1603. And you could go on for ever?—Yes; at the time the bridge was built it was vested in Robert Tunstall, his heirs and assigns, for ever, and we are his assigns.

1604. You think they are entitled to take tolls for ever?—I think so.

1605. Without any reduction of the tariff that was put in the Act?—We are entitled to reduce the tariff; we are not entitled to exceed it.

1606. You think yourselves entitled to the tolls which are named in the Act of Parliament?—Yes.

1607. What tolls do you take?—Foot passengers a halfpenny.

1608. Each way?—Each way; horses and cattle, 2 *d.* a head; coaches drawn by two horses, 1 *s.*; by four horses 1 *s.* 6 *d.*; chaises, 6 *d.* each; carts with one horse, 6 *d.*; if not exceeding three, 1 *s.*; any higher number, 1 *s.* 6 *d.* Then there are certain carts belonging to persons who pass frequently, that are allowed to go at a little less toll; some at 4 *d.*, and some at 9 *d.*; very few go at 9 *d.*, many go at 4 *d.*; omnibuses pay 6 *d*; calves, sheep, and hogs, pay 6 *d.* a score.

1609. What are your expenses?—The expenses consist chiefly in repairs of the road and wages of the toll collectors; the structure of the bridge hardly ever requires any repair; nothing, I may say.

1610. What road do you keep in repair?—We repair the road from Kew Green up to the "Star and Garter," on the Middlesex side of Kew Bridge.

1611. What length is that?—About a third of a mile; perhaps rather more.

1612. What is the expense of keeping the road in repair?—I think it may average about 55 *l.* or 56 *l.* a year. The bulk consists of a couple of barge loads of flint, which we put on the road every spring.

1613. Has not your take greatly increased of late years?—It increases gradually; rather rapidly lately; this last year it has been higher than ever before.

1614. I suppose the increase is greatly due to the attraction of Kew Gardens?—No doubt of it.

1615. Those gardens are maintained by the public?—They are maintained by the public. Though the gardens were open this last year all the year round, we had still the accustomed falling off about September. Passengers did not go then in the numbers they did before. Perhaps the circumstance is not generally known. There is a great falling off always after September.

1616. Have you any objection to say what your take is?—No; I have it rather roughly made up. During the past year the amount has been 2,977 *l.*

1617. Is that the gross take, or after deducting your expenses?—That is the gross.

1618. Did you present a return when you were last examined before the Committee of the House?—I made a very accurate return at the time. I do not remember what it was.

1619. Was the amount much less?—At that time there was a tenant for life, and I took the return to save him the trouble; but I have no materials for recalling what it was. I can give you the amount for 1857.

1620. What was it then?—It amounted to nearly 2,500 *l.* That is the gross sum.

1621. According to your statement, with regard to this freehold right, the tolls might go on increasing, but would never diminish?—They might diminish if a bridge was built near, or any thing was done to divert the traffic.

1622. I mean, the take may go on increasing and giving you increased revenues, but there are no means of reducing the tolls by the Act of Parliament?—No, I believe not.

1623. Suppose the public build a new bridge?—That might make it necessary for us to reduce the tolls by way of competition. I do not know any other course. The late Mr. Robinson informed me, that he once tried the effect of a reduced toll, but it did not answer.

Mr. *H. H. Mason.*

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1624. Can you tell us what the bridge cost?—No, I have not the least idea; it was built nearly 100 years ago. There was an ancient ferry, and the bridge was built in substitution of it.

1625. The bridge at present is a very inconvenient one. There has been no improvement in it?—It is very steep, and I do not know that it admits of improvement. Mr. Tunstall, who built it, seems to have borrowed about 17,000 *l.* on tontine, to raise the means, but probably the bridge cost more than that.

1626. Within your own knowledge, have the roads been altered; the bridge has still got that crooked-backed shape?—There has been no alteration within my recollection.

1627. Is it a very narrow bridge?—It is rather narrow.

1628. Do you think there could be no improvement, either by reduction of the tolls or an improvement of the bridge, except by Government competing, and putting another bridge across to their own gardens at Kew?—I do not know what the effect of that would be. There is a ferry at Brentford that competes in some degree.

1629. Is there plenty of room for carriages passing over?—Yes. On certain occasions there is a pressure of foot passengers; but I never heard of any stoppage of carriages on the bridge.

1630. Mr. *Tite.*] There is a foot toll?—Yes, a foot toll of a halfpenny.

1631. When was that first established?—I believe when the bridge first commenced. The Act of Parliament fixes the tariff. The foot tolls form the chief part of our revenue.

1632. Is the toll paid backwards and forwards?—Each way.

1633. You get more by your foot passengers than by the carriage traffic?—I think so.

1634. Have you a separate statement?—I find that the receipts from the foot passengers amount to nearly a half; they are larger than any other class of receipts.

1635. You say the foot traffic is nearly one-half the entire take?—It is nearly 1,000 *l.*, out of 2,500 *l.*

1636. *Chairman.*] Can you tell us the take on Sundays over other days?—It is very largely in excess; I cannot tell exactly. It is always larger.

1637. Both in carriages and foot passengers, or in foot passengers only?—I think both; not carts, only omnibuses and carriages.

1638. What are the other expenses besides repairs?—There are the usual out-goings, and there are one or two lives on tontine; two lives still existing; one belonging to the estate, and the elder life we pay upon.

1639. Will you send us a statement of the gross revenue and the various out-goings?—Yes.

1640. Do you take the tolls yourself, or are they let?—We collect them ourselves.

Mr. Benjamin Scott, called in; and Examined.

Mr. *B. Scott.*

1641. Mr. *Ayrton.*] In your evidence on a former occasion you stated that the Bridge House Estates were bequeathed to the Corporation by certain individuals; be good enough to give the Committee your authority for that statement?—I stated that upon the best knowledge that I had upon the subject; it is not a matter that is at all connected with my department. The origin of those estates should be proved by the town clerk, or some one who has the early records of the Corporation.

1642. Have you any precise knowledge on the subject?—Only a general knowledge that the Bridge House Estates were left in ancient times for the support of London Bridge, or arose from gifts which were made at a chapel that originally stood on the bridge, at which, as I have always understood, benefactions were received, which the Corporation accounted for, and which were considered liable for the maintenance and repair of the bridge.

1643. Can you refer the Committee to any authentic source of information on the subject?—No, I am not able to do so. The accounts of the Bridge House Estates were burnt in my office in the fire of London. I have no accounts that go back beyond the year 1633; that is the earliest account that was saved out of the fire.

1644. You cannot give the Committee any information of any record or any statement that would warrant what you have stated?—I have stated that it is well known that from a very early period indeed the Corporation considered those estates chargeable for the maintenance of London Bridge. I am not officially aware of any document which gives us the origin of that trust.

1645. When you say it is well known, there must be some sources of knowledge to which you refer?—I am speaking only of that general knowledge that I have acquired in having been long connected with the Corporation.

1646. You have also stated that the Orphans' Fund arose from the Exchequer being shut up by Charles 2, and a considerable sum of money belonging to the orphans having been misappropriated by the Crown on shutting up the Exchequer?—I think I stated generally that it arose from certain public calamities, or public accidents, in the time of the Stuarts, of which the closing of the Exchequer was the crowning calamity.

1647. You have stated that "the original object was the relief of the orphans of the City of London who had paid their money into the Chamber in the time of the Stuarts, and at the closing of the Exchequer in the reign of Charles 2, that money was lost to the corporation, and they were unable to pay it to the orphans and citizens for whom they held it in trust"?—Yes.

1648. Can you refer the Committee to any authority for that statement?—I ought, perhaps, to enlarge that statement; it was merely a brief statement that I made of the origin of the fund. The Act of Parliament, and other documents recite that "public calamities or accidents" which took place at that time led to the creation of the fund, under the Act of 4 & 5 Will. 3. Those calamities may generally be stated to be the Fire of London which destroyed all the public buildings in the City, the forfeiting of the charters of the City by Charles 2, who held the charters of the City, and deprived it of its government for about 40 years; and the crowning calamity was that Charles 2 borrowed the money of

of the orphans which lay in the Chamber of London; and upon the closing of the Exchequer, which was an act of repudiation on the part of the Government, the tallies which the Corporation held as security became perfectly valueless; and upon reporting all the circumstances to Parliament, that Act of 4 & 5 Will. III. was passed to reimburse the orphans and other creditors of the City, who had suffered from these calamities.

1649. Have you any authority for the statement that the Corporation had the orphans' money in the Royal Exchequer, and that on the closing of it they thereby lost the money?—The Act itself originating the fund recites that "whereas the mayor and commonalty of the citizens of London have been and are answerable and chargeable with all moneys of the orphans of the said City from time to time paid into the Chamber of the said City; but by reason of sundry accidents and public calamities are now becoming indebted to the said orphans and other creditors having the principal money and interest thereof." That is the recital with reference to the creation of the Orphans' Fund.

1650. That has no reference whatever to the question I asked you?—I refer to that to show that the fund originated in accidents and public calamities, and that Parliament so recognised it at the time.

1651. I asked you whether you had any authority for the statement, that any part of the corporate funds were placed in the Exchequer, and were lost to the Corporation, or the orphans, by reason of the shutting up of the Exchequer?—I have reports of Select Committees upon the subject of the Orphans' Fund from time to time, which have been laid before Parliament, and they all of them recognise generally that the fund originated in public calamities in the time of the Stuarts.

1652. I am asking now with reference to this particular statement, whether you have any authority for it?—The best authority I can give you now is an authority 142 years old. It is that of a law book treating on the customs of the City of London—*Bohun's Privilegia Londini.* It is a text-book of the practice of the City Courts, and it makes this statement as to the origin of the Orphans' Fund: "The occasion of making the said Act was this: King Charles II., to support the extravagance of his court, &c. being necessitated to use indecent shifts to procure money, did, about the years 1665, 1666, &c. apply for that purpose to the City of London, and by the treachery or folly of some aldermen, &c. obtain a loan on his Privy Seal, or tallies of loan of such moneys, belonging to the said orphans, as were then in the chamber of the said City, with which for awhile he supported his extravagance, and paid the interest due thereon till about the year 1671; when finding himself unable to pay the principal, and scarcely the interest, and the Parliament refusing to supply him with money, he, by the advice of the then Lord Clifford, who for that service was made Lord Treasurer of England, closed the Exchequer, and thereby became not only bankrupt himself, but occasioned the chamber of the said City to be so also, whereby many thousands of the City orphans were reduced to misery and want, and were not only defrauded of their principal moneys, but even of the interest of the same, until the said Act of 5 & 6 Will. and Mary, which is called the Act for their relief." This book, the 3d edition of which I now produce, was printed in 1723. The statement has been repeated many times in public documents, and in evidence before Committees of this House. It is the only statement I have been able to lay my hands upon. The subject was investigated in 1812, in 1822, and in 1829, by special Committees of this House. In those three Reports it is admitted that the fund originated in certain public calamities.

1653. *Chairman.*] Is that so in the 1829 Report?—Evidence was given on the subject in that year by Mr. William Lewis Newman, the City Solicitor, who states this fact in his evidence. The Report does not directly refer to the origin of the fund, but there is a paragraph, on the continuing of the charges on the City, which bears upon the subject. The Report of 1812 distinctly states that "the Orphans' Fund was established upon principles of justice towards innocent parties suffering by a course of public calamities which bereft them of their whole property"; that is the recital in the Report.

1654. What was that inquiry for?—It was an inquiry that took place with regard to the Orphans' Fund in 1812, by a Select Committee of this House.

1655. Mr. *Ayrton.*] Are you aware that the persons who suffered by the shutting up of the Exchequer petitioned Parliament afterwards, in the reign William III., and that the whole case was inquired into, and Parliament ordered all the persons who had suffered to be paid?—I believe there was a petition before the House at that time.

1656. Was not an inquiry made, and a Report presented as to those persons who had suffered by the shutting of the Exchequer?—I believe there was some inquiry; I have not the means of stating precisely.

1657. Have you the means of stating whether the Corporation appeared as creditors or sufferers in that inquiry, or that they ever presented any petition like the other sufferers, to suggest that they, or their orphans, had lost a shilling by the shutting up of the Exchequer?—They did appear before Parliament, I know, but I believe they did not allege that particular grievance; as I have explained to the Committee before, it was a matter which was so discreditable to some of the Ministers still sitting in the House, that the Corporation would naturally, from motives of policy, suppress any reference to it.

1658. Are you aware that the Corporation got that Act which you have quoted passed by bribing the Speaker and the officers of the House of Commons, for which the Speaker was removed?—It has been stated so; but I see that Mr. Newman in 1829 denies that any such entry is to be found in the Journals of Parliament.

1659. Still the fact is that the Speaker was removed?—I am not aware of the fact; I have heard it stated. I see that Mr. Newman is asked, "Did you ever refer to the Journals of the House as to a bribe given by the City of London to the Speaker to pass that Act?" And he says, "No; I did not expect to find anything of such bribery."

1660. Mr. *Tite.*] He did not examine?—There is no further statement in the evidence upon the subject. I hope, for the credit of the House, it was not true.

1661. Mr. *Ayrton.*] You observe in the Act which you have quoted, that the City of London is ordered to make a perpetual payment of 11,500*l.*

Mr. *B. Scott.*
19 June 1865.

11,500 *l.* a year, on account of its contribution to the fund for the payment of those debts?—Part of it was perpetual; part of it was for a period of years. The payment was originally 8,000 *l.*; that sum was to be perpetual for the payment of those debts. The payment of 8,000 *l.* was to be made out of the City revenues.

1662. In perpetuity?—In perpetuity for the payment of the debt to the orphans. In 1752 it was raised to 10,000 *l.*; and in 1768 it was raised to 11,500 *l.*

1663. Owing to the relief they obtained in other matters?—Owing to alterations which Parliament made in the form and bearing of the fund.

1664. They continued to pay that until the year 1861, I think?—Until 1861. By consent, the Corporation from time to time extended the payments.

1665. They were ordered to pay that sum in perpetuity, on consideration of getting relief from the liberty of taxing the whole metropolis, were they not?—No; they offered to pay that, and Parliament required them to pay it in perpetuity, for the relief of the orphans and other creditors, until they should be paid.

1666. The creditors were paid, in fact, by a tax levied on the whole metropolis, were they not?—No, that is not so. The arrangement which this Act of William and Mary carries out was, that the Corporation was to pay a certain sum to the relief of the orphans, and that certain coal and wine duties, and other things, were to be paid also.

1667. The contributions received to the fund from the tax levied upon the whole metropolis ultimately paid the debt?—Not so. The Corporation, before the orphans' stock was paid off, had contributed out of their own revenues towards this fund more than double the amount of the orphans' original debt.

1668. Not more than double the amount, with interest?—Yes, with interest; that can be shown. I am not now prepared to give the figures for 200 years; but Honourable Members must bear in mind that the coal and wine duties were very small in those days. London, for a hundred years after that Act was passed, did not include much more than the City of London, and a small portion of the City of Westminster. The coal duty did not produce at that day one-half of the contribution that was paid by the Corporation. As a matter of figures, I can state that the Corporation paid again and again the amount of the original debt.

1669. Out of what source?—Out of the City revenues.

1670. What revenues? Be good enough to state the amount, because the assertion, I believe, is at variance with the accounts before you?—Out of the contribution of 8,000 *l.* subsequently raised to 11,500 *l.* a-year. The convex lights, a tax upon the City for the privilege of lighting; fees on freemen; apprentice bindings, a tax on the inhabitants of the City which was continued from the reign of William and Mary down to 1739; the rent of certain rights to bring water to London, called "aqueducts." I state that generally, out of those revenues and a portion of the coal duty paid by the citizens, the citizens must have paid over and over again, with interest, the sum which originally, by public calamities, devolved upon the Corporation as a debt to these creditors.

1671. Will you tell the Committee what was the revenue derived from those sources for the first few years after the constitution of the fund?—The account was taken out up to 1829, about 27 years ago. The convex lights produced 21,000 *l.*

1672. Mr. *Ayrton.*] The annual charge for the debt was 21,000 *l.*; what was the annual charge for the convex lights and other matters at the institution of the fund?—In 1695 they produced 600 *l.*; City's revenues, 8,000 *l.*; freedoms, 367 *l.*; apprentice bindings, 407 *l.*; inhabitants of the City, 2,000 *l.*; aqueducts, 941 *l.*

1673. *Chairman.*] What is the total?—£. 11,965.

1674. You had to pay an annual charge for interest, apart from capital, of 21,000 *l.* a-year and upwards; the City contributed, from all those sources, 11,000 *l.* a-year; and you state that by that means they extinguished the principal and interest of the debt. How do you make that out?—This is a very small year.

1675. Then take another year; say five years afterwards?—You forget that the City's revenue was increased from 8,000 *l.* to 11,500 *l.*

1676. At the same time the other charges paid by the City were taken off?—By the operation of the account running over so many years, and the Corporation paying money long after the orphans were paid, they have very much more than contributed all the debt which they originally owed to the orphans.

1677. I am asking you as to the facts; the debt was stated at upwards of 700,000 *l.*?—Yes.

1678. And at 3 per cent. the interest amounted to upwards of 21,000 *l.*?—Yes.

1679. That was what they had to pay?—Yes.

1680–1. Then the annual contribution of the City from the sources of revenue, which you said extinguished the debt, appear to have amounted to 11,000 *l.* or 12,000 *l.* a-year?—The Honourable Member must recollect that when the debt began to be discharged the interest was reduced; it was not a permanent charge of 21,000 *l.* a-year.

1682. It was permanent until the principal began to be reduced?—Yes.

1683. If you only had 12,000 *l.*, which was less than the interest, you could not reduce any part of the principal out of those sources?—The City of London was taxed with the coal duty and wine duty, which was, for a hundred years after this Act was passed, almost exclusively paid by the City of London. The City of London was in effect the metropolis, with the exception of one row of houses extending from Temple Bar down to Westminster.

1684. Were not those coal and wine duties levied over a much larger area?—They were levied upon all coal and wine coming into port.

1685. It was then the entire consumption of the metropolis and the surrounding districts on each side of the Thames?—It was so far as the metropolis then existed.

1686. Are you aware how soon it was that the population of that district was at least double that of the City of London?—I cannot state the exact year; but, as a fact, we know that in the 17th century London was, to a very great extent, the City of London within and without the walls.

1687. Take the 18th century?—If you come down to the 18th and 19th centuries, I must remind you that the payment continued until 1861; and again I must repeat that the Corporation have

have paid their debt with compound interest, out of funds which were specifically Corporation funds.

1688. Be good enough to look at the accounts, and tell us when the annual contribution first equalled the interest on the debt?—Do you mean the contribution from the different revenues of the City?

1689. From all the revenues, including the whole of the coal and wine duties?—I should think that would be somewhere about the year 1768, when the contribution was brought up to 11,500 *l.* a-year.

1690. And the income from the coal and wine duties was how much?—Upon coal 24,000 *l.*, and wine 1,893 *l.*

1691. It was about the middle of last century that the whole contribution equalled the interest of the debt?—That was the case.

1692. Are you prepared to say that at that period the area over which this tax was levied did not contain two or three times as many inhabitants as the City?—I have not the means of stating what the population was at that date.

1693. It was then that the capital debt began to be reduced?—The capital debt would then begin to be reduced.

1694. It was then that the population of these districts began to increase, as it has continued to do until the present time?—Yes; the population about 100 years ago was rapidly increasing.

1695. The reason for its previous stationary character was that the Acts were in force, or remained on the statute book, against building round London, and increasing the metropolis?—Yes, there were provisions of that kind in operation.

1696. There it appears that the payment of the principal of this debt was cotemporary with the growth of the population beyond London?—The debt began to be discharged at the time when the population was increasing.

1697. If at that time the population was twice or three times as great as that of the City of London, and the entire coal tax only produced a sum equal to the interest of the debt, is it not clear that the City of London proper never could have contributed money sufficient to pay off principal and interest?—If the fund had been terminated at that time, that would be a fair argument, but the fund has gone on for another hundred years; and the Corporation, as I can show by figures, have, in fact, paid off more than the debt and the interest, and have continued these payments for a great many years after the period when the debt would have been terminated.

1698. Looking to the present proceeds of the coal tax, and the relative number of the inhabitants of the City and the rest of the metropolis, is it not apparent that at the present moment the inhabitants of the City do not pay even a sum which would be sufficient to pay the interest on the debt?—I cannot assent to that at all.

1699. The proceeds of the coal tax are 220,000 *l.*, are they not?—It is impossible for me to say how much the inhabitants of the City consume.

1700. Are the proceeds of the coal tax 220,000 *l.*?—They may be assumed at that average.

1701. The population consuming the coal is about three millions, is it not?—Yes.

1702. And the inhabitants of the City of London are 112,000?—The people who are left in charge of the warehouses at night are 112,000; the population of the City is about a million; in the day it is one-third of the inhabitants of the metropolis.

1703. With regard to the number of houses in the City of London, do they occupy one-third of the area of the coal tax?—It is impossible to ascertain precisely the population of the City. In the day time it is estimated by the police, who have taken returns of those who arrive, at about 1,000,000. At night the number is very much reduced; the persons who burn coal are there in the day.

1704. Will you take the test of the number of houses in the City and in the rest of the metropolis?—There is no question whatever that the coal tax is paid now to a very great extent by the metropolis.

1705. Having regard to the number of houses outside and inside the City of London, what would be the proportion due to the inhabitants of the City?—There are about 16,000 houses in the City.

1706. And upwards of 300,000 outside the City?—But the houses in the City are, on an average, three times as large as those outside.

1707. Then that would be equivalent to 48,000 inside the City, and 300,000 outside?—There is no doubt whatever that the City geographically now is a very small proportion of the metropolis. When this account was stated, and Parliament came to this arrangement, it was nearly the whole of the metropolis.

1708. Having regard to the quantity of coal that the City consumes and pays for now, as deduced from the whole consumption of coal within the area of the coal tax, is it not apparent that the inhabitants of the City could never have paid a sum equal to the interest on the debt?—No; I am satisfied that they did pay interest on the debt at the commencement of this fund.

1709. Is it not the fact that the interest on the debt was not paid at the commencement of the fund, is it not?—They paid the greater part of the coal duty, as I have explained, and the greater part of the wine duty.

1710. What was the whole sum collected at the commencement of the fund?—On coal, 4,656 *l.*; and the wine duty, 3,103 *l.*; making a total of 7,759 *l.*

1711. Which you add to the former sum stated?—That brings the revenue, the greater part of which must have been paid by the City, to 29,724 *l.*

1712. Then the City was not able to pay the whole interest on the debt?—That was the arrangement that Parliament came to, and which the City carried out until the debt was paid, and then continued the charge which I have referred to from time to time for public improvements; after the debt was paid, other portions of the metropolis not paying anything out of private funds or public rates, only out of the coal and wine duties.

1713. The metropolis having thus paid off the debt due from the Corporation, Parliament thought, and so decided, that the Corporation should continue to pay the sum of 11,500 *l.* a-year to the London Bridge Approaches Fund?—I must demur to the statement that the metropolis paid the debt to the orphans.

1714. Is it not the fact, that after the debt had been discharged, a Committee sat about 1830, and in consequence of the Report of that Committee,

Mr. *B. Scott.*

19 June 1865.

Parliament passed an Act to compel the Corporation to continue paying 11,500 *l.* to the London Bridge Approaches Fund?—No, it is not. The Corporation came forward voluntarily a-year after that, and in consideration of Parliament advancing a loan for the improvement of Farringdon-street, the Corporation consented to continue the sum of 11,500 *l.* so long as the 8 *d.* coal duty was continued. Parliament has never continued the payment of 11,500 *l.* a-year. By its Committees, and by a vote of the House, it has repudiated the continuance of that payment whenever it has been applied to to continue it. That was distinctly the case in 1861, when a motion in the House to make that payment perpetual was negatived by the House of Commons.

1715. Are you not aware that when the motion was made in 1861 it was negatived on that ground? — It is impossible for me to say what the grounds were.

1716. Were you present?—I believe I was.

1717. Did you not hear the Secretary of State for the Home Department, who had charge of the Bill, state that he could not entertain it then, because the Bill was in terms confined entirely to the coal and wine duties?—I do not recollect any statement of the kind.

1718. You did not hear that it was rejected on that ground only?—I think that was not the case; I had several interviews with Sir George Cornewall Lewis at that time, and he made an arrangement with the Corporation, which he considered very fair, after inquiring into the facts, that the Corporation should apply their 4 *d.* metage, which was then producing nearly 70,000 *l.* a-year, to public improvements in London. And he thought that there was no ground whatever for continuing that 11,500 *l.* a-year charged upon their estates if they gave up so large an amount of revenue as 70,000 *l.* a-year, to which they had a claim.

1719. Is that arrangement in writing?—That arrangement was embodied in the Act of 1861, which Act was brought in with the concurrence of the Government; I, myself, with Mr. Edward Tyrrell, negociated the terms of that Act with Sir George Cornewall Lewis.

1720. Are we to understand from you that it was part of the terms of that arrangement that the 11,500 *l.* a-year was not to be continued to be paid by the Corporation?—Decidedly; and that was affirmed by the division in the House of Commons in 1861.

1721. *Chairman.*] You say that when the 8 *d.* duty went away, the payment of the 11,500 *l.* went with it?—No; I said than when the Corporation consented to give up to the public use exclusively the 4 *d.* duty which they claimed as their own property, then producing 70,000 *l.* a-year, the Government came to that arrangement, that the City's contributions to the London Bridge Approaches Fund should cease.

1722. When the 4 *d.* which the City claimed was put under the control of Parliament, for public improvements, then the 11,500 *l.* ceased?—Yes; I stated before that the Act of Parliament of 1861 recited expressly that "the London Bridge Approaches Fund should thereupon cease and determine." That clause was inserted by Sir George Cornewall Lewis, at the suggestion of the City, upon the understanding that until 1882 the Corporation would make no claim upon the 4 *d.* a-ton metage on coals. I may state that the Corporation were not in a position at that time, from the numerous public works which they had in hand, to give up the 4 *d.* coal duty, which produced at that time 70,000 *l.* a-year, and also 11,500 *l.* a-year; they were unable to make such a concession, in justice to their creditors.

1723. You say that when the 4 *d.* duty was put under Parliamentary control, prospectively for street improvements, the other obligation to pay 11,500 *l.* for Middlesex improvements ceased?—Yes; it would have ceased by Act of Parliament. The Government determined that it should cease absolutely, and put the clause into the Act of Parliament to provide for that.

1724. Mr. *Ayrton.*] It would not have ceased if any other charges had been put upon the London Bridge Approaches Fund, for public improvements, the same as those previously put upon the fund?—We contend that it would have ceased; that those charges were not perpetual, except for the purpose of paying the claims of the orphans, which had been long since satisfied.

1725. It was then ordered to be paid to the London Bridge Approaches Fund as long as it lasted?—As long as the purposes stated in 11 Geo. IV. were unsatisfied. The Government took the same view as the City did upon that point, for when they continued the Wine duty in 1840, that brought in a Bill to continue it for four years for their own purposes; they did not think it would be legally payable without the provisions of a special Act of Parliament.

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Appendix, No. 1.

PAPER handed in by Mr. *Powell*, 22 May 1865.

WATERLOO BRIDGE COMPANY.

YEARLY ACCOUNT of REVENUE from 1853 to 1865.

Date.	Horse.	Foot.	Total Tolls.	* Rents and Interest on Money Invested.	Total Income.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
23 February 1853	8,485 17 10	9,602 19 3	18,088 17 1	* 1,011 7 10	1,117 11 3	19,206 8 4
„ „ 1854	9,228 3 8	9,968 17 3	19,197 – 11	- - -	1,162 11 10	20,359 12 9
„ „ 1855	9,521 4 4	10,128 14 8	19,649 19 –	- - -	1,190 7 3	20,840 6 3
„ „ 1856	9,433 19 3	10,242 4 6	19,676 3 9	- - -	1,248 15 3	20,924 19 –
„ „ 1857	9,850 7 5	10,314 15 3	20,165 2 8	- - -	1,232 11 8	21,397 14 4
„ „ 1858	10,049 15 10	10,271 14 3	20,321 10 1	- - -	1,271 12 2	21,593 2 3
„ „ 1859	10,044 6 4	10,234 18 4	20,279 4 8	- - -	1,210 12 5	21,489 17 1
„ „ 1860	10,816 17 4	10,138 16 9	20,955 14 1	- - -	1,145 3 8	22,100 17 9
„ „ 1861	11,048 15 10	10,441 13 1	21,490 8 11	- - -	1,135 16 7	22,626 5 6
„ „ 1862	10,540 7 10	10,566 3 10	21,106 11 8	- - -	1,213 18 5	22,320 10 1
„ „ 1863	11,584 14 2	11,543 18 6	23,128 12 8	- - -	1,181 – 4	24,309 13 –
„ „ 1864	11,035 18 1	10,933 17 5	21,969 15 6	- - -	1,207 14 5	23,177 9 11
„ „ 1865	10,742 7 4	10,648 13 8	21,391 1 –	- - -	1,295 3 10	22,686 4 10

ONE YEAR to 23d February 1865.

INCOME.

	£. s. d.
To Tolls - - - - - - -	21,391 1 –
„ Rent of Arched Vaults - - - -	764 15 –
„ „ London Company - -	150 – –
„ „ Electric Telegraph Company	25 – –
„ Interest on 2,388*l.* 1*s.* 2*d.* Reduced 3 per Cents.	71 12 10
„ Interest on Exchequer Bills - -	207 8 9
„ „ India Bonds - - -	56 7 3
„ Sundries,—Contribution for Watering, &c.	20 – –
£.	22,686 4 10

EXPENDITURE.

	£. s. d.	£. s. d.
By Wages, Toll-men, &c. - - -		977 18 –
„ Lighting, Watering, and Carting, &c.		309 6 –
„ Repairs of Roads, including Materials		384 17 2
„ Repairing Indicators - - -		20 – –
„ Rent, Taxes, &c. - - - -		162 14 –
„ Remuneration to Directors and Auditors.		210 – –
„ Salaries - - - - - -		610 – –
„ Sundries,—Printing, Books, Stationery, &c.		94 19 –
	£.	2,769 14 2
Income Duty - - -	505 5 6	
Land Tax - - -	328 2 6	
		833 8 –
TOTAL Expenditure - - -	£.	3,603 2 2
Balance - - - - - - -		19,083 2 8
	£.	22,686 4 10

BALANCE.

23 February 1865:	£. s. d.	23 February 1865:	£. s. d.	£. s. d.
Cash in Treasurer's hands	5,986 13 6	Arrears of Dividend and Interest	1,640 3 5	
Exchequer Bills	5,500 – –	Interest on Bonds, half a year	1,301 8 8	9,426 8 8
Indian Bonds	2,500 – –	Dividend on Annuities, ditto*	8,125 – –	
Amount of Deposit at Treasurer's	2,000 – –	Balance of Disbursements	5 17 6	
		Balance in Reserve	4,914 3 11	
£.	15,986 13 6	£.	15,986 13 6	

* Interest on Annuities - - - £. 37,500

	£. s. d.	
Balance of Revenue and Expenditure for Year ending 23d February 1865	19,083 2 8	as before stated.
Dividend and Interest for that year	18,852 17 4	
Surplus	230 5 4	
Balance in Reserve, 23d February 1864	4,683 18 7	
Balance in Reserve, as above £.	4,914 3 11	

ANNUAL Number of Foot Passengers Crossing Waterloo Bridge for 10 Years, from 1856 to 1865, inclusive.

For Year ending 23 February 1856	Number of Foot Passengers	4,916,268	
Ditto „ 1857	ditto	4,951,086	
Ditto „ 1858	ditto	4,930,422	Average—per Year.
Ditto „ 1859	ditto	4,912,760	5,056,165, at ½ d. Toll.
Ditto „ 1860	ditto	4,866,642	2,389,059, at 1 d. Toll.
Ditto „ 1861	ditto	5,011,994	
Ditto „ 1862	ditto	5,071,772	2,667,106 Average for 10 years previous to the reduction in 1841.
Ditto „ 1863	ditto	5,541,084	
Ditto „ 1864	ditto	5,248,258	
Ditto „ 1865	ditto	5,111,368	
		50,561,654	

N.B.—23 February 1865.—Arrears due to Annuitants - - £. 3,077,125

ACCOUNT showing the Annual Amount of Toll previous to opening of the Waterloo Bridge Station on 11th July 1848, with Average for 31 Years; and the Annual Amount of Toll subsequent to Opening of the Waterloo Bridge Station; with Average for 17 Years.

Annual Amount of Toll Previous to Opening of the Waterloo Bridge Station, on 11th July 1848; with Average for 31 Years.

	£.	s.	d.	£.	s.	d.
1818 - 23d February	5,381	17	8			
1819 „ -	9,095	18	9			
1820 „ -	9,821	14	5			
1821 „ -	10,717	–	5			
1822 „ -	11,839	18	5			
1823 „ -	12,348	3	4			
1824 „ -	13,495	–	9			
1825 „ -	14,387	2	1			
1826 „ -	14,958	16	9			
1827 „ -	13,914	1	10			
1828 „ -	13,718	13	1			
1829 „ -	13,635	17	4			
1830 „ -	12,618	–	4			
1831 „ -	12,497	3	–			
1832 „ -	13,395	2	2	Average; 31 years,		
1833 „ -	12,060	10	11	13,077	3	2
1834 „ -	12,523	19	11			
1835 „ -	12,699	9	8			
1836 „ -	12,494	1	9			
1837 „ -	12,791	–	10			
1838 „ -	13,063	7	2			
1839 „ -	13,583	14	1			
1840 „ -	13,535	2	2			
1841 „ -	14,442	3	3			
1842 „ -	13,620	10	7			
1843 „ -	13,349	19	6			
1844 „ -	16,526	2	4			
1845 „ -	15,790	8	5			
1846 „ -	14,500	19	10			
1847 „ -	18,667	15	6			
1848 „ -	13,929	6	11			
TOTAL, 31 Years - £.	405,403	3	2			

Annual Amount of Toll Subsequent to Opening of the Waterloo Bridge Station; with Average for 17 Years.

	£.	s.	d.	£.	s.	d.	
1849 - 23d February	14,513	5	5				
1850 „ -	15,449	2	11				
1851 „ -	16,474	14	8				
1852 „ -	20,248	1	5				
1853 „ -	18,088	17	1				
1854 „ -	19,197	–	11				
1855 „ -	19,649	19	–				
1856 „ -	19,676	3	9	Average; 17 years,			
1857 „ -	20,165	2	8	19,653	5	1	
1858 „ -	20,321	10	1				Chelsea Bridge opened.
1859 „ -	20,279	4	8				
1860 „ -	20,955	14	1				New Westminster Bridge opened.
1861 „ -	21,490	8	11				Pimlico Terminus opened.
1862 „ -	21,106	11	8				Great Exhibition.
1863 „ -	23,128	12	8				
1864 „ -	21,969	15	6				Charing Cross Railway opened. Southwark Bridge opened free. Southwark - street opened, 1st January 1864.
1865 „ -	21,391	1	–				
TOTAL, 17 Years - £.	334,105	6	5				

Appendix, No. 2.

PAPERS handed in by Mr. *Powell*.

App. No. 2. STATEMENT of TOLLS received at the HORSE GATES of WATERLOO BRIDGE.

TOLLS received at the Horse Gates of Waterloo Bridge, 7 November 1864.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Sunday, 10 o'clock, to Monday, 10 o'clock, 7 November 1864 - - -	10 to 11	– 5 1	10 to 11	– 7 6
	11 to 12	– 3 6	11 to 12	– 2 6
	12 to 1	– 5 –	12 to 1	– 6 2
	1 to 2	– 7 4	1 to 2	– 10 6
	2 to 3	– 5 7	2 to 3	– 7 1
	3 to 4	– 4 6	3 to 4	– 5 6
	4 to 5	– 5 9	4 to 5	– 6 1
	5 to 6	– 5 7	5 to 6	– 4 2
	6 to 7	– 6 9	6 to 7	– 4 4
	7 to 8	– 5 1	7 to 8	– 4 6
	8 to 9	– 9 5	8 to 9	– 8 1
	9 to 10	– 13 1	9 to 10	– 7 1
	10 to 11	– 9 3	10 to 11	– 5 6
	11 to 12	– 5 –	11 to 12	– 5 4
	12 to 1	– 2 2	12 to 1	– 3 1
	1 to 2	– – 10	1 to 2	– – 8
	2 to 3	– – 3	2 to 3	– – 4
	3 to 4	– – 4	3 to 4	– – 3
	4 to 5	– 1 1	4 to 5	– – 2
	5 to 6	– 1 2	5 to 6	– 1 6
	6 to 7	– 1 4	6 to 7	– 3 7
	7 to 8	– 4 1	7 to 8	– 5 3
	8 to 9	– 7 3	8 to 9	– 5 2
	9 to 10	– 16 8	9 to 10	– 10 3
	£.	6 6 1	- -	5 14 7
				6 6 1
			TOTAL - - - £.	12 – 8

App. No. 2.

Tolls received at the Horse Gates of Waterloo Bridge, 8 November 1864.

	SURREY.			MIDDLESEX.		
	Time.	Amount Received.		Time.	Amount Received.	
		£.	s. d.		£.	s. d.
From Monday, 10 o'clock, to Tuesday, 10 o'clock, 8 November 1864	10 to 11	1	10 1	10 to 11	–	17 10
	11 to 12	1	6 –	11 to 12	–	18 6
	12 to 1	–	17 –	12 to 1	–	16 1
	1 to 2	–	17 1	1 to 2	–	15 6
	2 to 3	1	3 –	2 to 3	–	18 9
	3 to 4	–	18 –	3 to 4	1	3 3
	4 to 5	1	2 –	4 to 5	1	13 1
	5 to 6	1	2 4	5 to 6	1	– 10
	6 to 7	1	1 2	6 to 7	–	18 3
	7 to 8	–	15 –	7 to 8	–	14 8
	8 to 9	–	7 6	8 to 9	–	11 1
	9 to 10	–	8 4	9 to 10	–	7 6
	10 to 11	–	12 1	10 to 11	–	8 7
	11 to 12	–	8 –	11 to 12	–	18 6
	12 to 1	–	4 6	12 to 1	–	4 6
	1 to 2	–	2 8	1 to 2	–	2 7
	2 to 3	–	2 1	2 to 3	–	– 8
	3 to 4	–	2 6	3 to 4	–	– 5
	4 to 5	–	1 6	4 to 5	–	1 –
	5 to 6	–	5 6	5 to 6	–	2 1
	6 to 7	–	4 –	6 to 7	–	4 6
	7 to 8	–	6 –	7 to 8	–	7 4
	8 to 9	–	6 1	8 to 9	–	7 7
	9 to 10	–	12 –	9 to 10	–	13 1
	£.	14	14 5	–		14 6 2
						14 14 5
				Total - - - £.		29 – 7

Tolls received at the Horse Gates of Waterloo Bridge, 9 November 1864.

	SURREY.			MIDDLESEX.		
	Time.	Amount Received.		Time.	Amount Received.	
		£.	s. d.		£.	s. d.
From Tuesday, 10 o'clock, to Wednesday, 10 o'clock, 9 November 1864	10 to 11	1	4 1	10 to 11	–	17 3
	11 to 12	1	4 10	11 to 12	–	16 1
	12 to 1	–	16 1	12 to 1	–	16 –
	1 to 2	–	10 9	1 to 2	–	16 2
	2 to 3	–	18 –	2 to 3	–	18 –
	3 to 4	–	17 4	3 to 4	1	1 4
	4 to 5	1	1 5	4 to 5	1	7 2
	5 to 6	1	2 1	5 to 6	1	2 3
	6 to 7	1	– 11	6 to 7	–	18 2
	7 to 8	–	17 5	7 to 8	–	12 6
	8 to 9	–	12 1	8 to 9	–	11 1
	9 to 10	–	9 3	9 to 10	–	10 3
	10 to 11	–	9 7	10 to 11	–	8 3
	11 to 12	–	8 1	11 to 12	–	18 4
	12 to 1	–	2 4	12 to 1	–	4 2
	1 to 2	–	1 3	1 to 2	–	3 –
	2 to 3	–	– 9	2 to 3	–	– 8
	3 to 4	–	– 7	3 to 4	–	– 5
	4 to 5	–	– 6	4 to 5	–	– 7
	5 to 6	–	1 9	5 to 6	–	2 1
	6 to 7	–	2 4	6 to 7	–	3 –
	7 to 8	–	3 3	7 to 8	–	6 2
	8 to 9	–	6 1	8 to 9	–	4 1
	9 to 10	–	11 4	9 to 10	–	10 3
	£.	13	2 1	–		13 7 3
						13 2 1
				Total - - - £.		26 9 4

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 10 November 1864.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Wednesday, 10 o'clock, to Thursday, 10 o'clock, 10 November 1864 - -	10 to 11	1 4 6	10 to 11	1 5 1
	11 to 12	1 12 1	11 to 12	1 8 7
	12 to 1	1 2 5	12 to 1	1 2 8
	1 to 2	1 – –	1 to 2	1 3 6
	2 to 3	1 2 6	2 to 3	1 2 7
	3 to 4	1 – 1	3 to 4	1 7 10
	4 to 5	1 – –	4 to 5	1 6 1
	5 to 6	1 2 –	5 to 6	1 1 3
	6 to 7	1 3 6	6 to 7	– 17 1
	7 to 8	– 15 6	7 to 8	– 15 1
	8 to 9	– 8 1	8 to 9	– 11 5
	9 to 10	– 8 –	9 to 10	– 8 5
	10 to 11	– 8 6	10 to 11	– 13 1
	11 to 12	– 10 –	11 to 12	1 – 6
	12 to 1	– 4 4	12 to 1	– 7 1
	1 to 2	– 2 1	1 to 2	– 3 6
	2 to 3	– 2 –	2 to 3	– 1 4
	3 to 4	– 1 4	3 to 4	– 1 2
	4 to 5	– 2 6	4 to 5	– – 9
	5 to 6	– 3 –	5 to 6	– 2 5
	6 to 7	– 6 –	6 to 7	– 3 5
	7 to 8	– 4 1	7 to 8	– 6 4
	8 to 9	– 6 –	8 to 9	– 4 9
	9 to 10	– 11 6	9 to 10	– 9 2
	£.	15 – –	- -	16 3 1
				15 – –
			TOTAL - - - £.	31 3 1

TOLLS received at the Horse Gates of Waterloo Bridge, 11 November 1864.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Thursday, 10 o'clock, to Friday, 10 o'clock, 11 November 1864 - -	10 to 11	– 19 7	10 to 11	1 – –
	11 to 12	1 5 6	11 to 12	– 15 1
	12 to 1	– 17 5	12 to 1	– 17 2
	1 to 2	– 14 9	1 to 2	– 14 6
	2 to 3	– 19 11	2 to 3	– 18 6
	3 to 4	– 15 2	3 to 4	1 4 9
	4 to 5	1 1 5	4 to 5	1 6 3
	5 to 6	1 – 1	5 to 6	1 – 7
	6 to 7	1 7 1	6 to 7	– 18 6
	7 to 8	– 17 –	7 to 8	– 13 3
	8 to 9	– 9 2	8 to 9	– 11 2
	9 to 10	– 8 10	9 to 10	– 10 –
	10 to 11	– 8 5	10 to 11	– 10 2
	11 to 12	– 7 1	11 to 12	1 – 2
	12 to 1	– 2 3	12 to 1	– 4 –
	1 to 2	– 2 1	1 to 2	– 2 4
	2 to 3	– 1 4	2 to 3	– – 7
	3 to 4	– – 8	3 to 4	– 1 –
	4 to 5	– – 5	4 to 5	– – 9
	5 to 6	– 1 4	5 to 6	– 2 6
	6 to 7	– 1 2	6 to 7	– 3 2
	7 to 8	– 4 8	7 to 8	– 4 1
	8 to 9	– 5 –	8 to 9	– 4 2
	9 to 10	– 10 1	9 to 10	– 10 –
	£.	13 – 5	- -	13 12 8
				13 – 5
			TOTAL - - - £.	26 13 1

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 12 November 1864.

	SURREY.			MIDDLESEX.		
	Time.	Amount Received.		Time.	Amount Received.	
		£.	s. d.		£.	s. d.
From Friday, 10 o'clock, to Saturday, 10 o'clock, 12 November 1864 - -	10 to 11	1	3 4	10 to 11	-	19 9
	11 to 12	1	1 1	11 to 12	-	17 1
	12 to 1	-	16 3	12 to 1	-	14 6
	1 to 2	-	16 -	1 to 2	-	14 5
	2 to 3	1	- -	2 to 3	-	17 7
	3 to 4	-	14 6	3 to 4	1	2 9
	4 to 5	1	1 -	4 to 5	1	6 6
	5 to 6	1	- 6	5 to 6	1	1 8
	6 to 7	1	2 2	6 to 7	-	17 3
	7 to 8	-	16 -	7 to 8	-	12 7
	8 to 9	-	10 6	8 to 9	-	12 8
	9 to 10	-	7 -	9 to 10	-	11 2
	10 to 11	-	9 -	10 to 11	-	8 9
	11 to 12	-	8 -	11 to 12	1	- 2
	12 to 1	-	3 6	12 to 1	-	4 4
	1 to 2	-	2 6	1 to 2	-	1 6
	2 to 3	-	4 -	2 to 3	-	1 7
	3 to 4	-	2 6	3 to 4	-	- 9
	4 to 5	-	4 -	4 to 5	-	1 6
	5 to 6	-	6 -	5 to 6	-	2 6
	6 to 7	-	5 6	6 to 7	-	7 1
	7 to 8	-	6 1	7 to 8	-	7 9
	8 to 9	-	6 6	8 to 9	-	6 4
	9 to 10	-	14 2	9 to 10	-	11 9
	£.	14	- 1	- -	14	1 11
					14	- 1
				TOTAL - - - £.	28	2 -

TOLLS received at the Horse Gates of Waterloo Bridge, 13 November 1864.

	SURREY.			MIDDLESEX.		
	Time.	Amount Received.		Time.	Amount Received.	
		£.	s. d.		£.	s. d.
From Saturday, 10 o'clock, to Sunday, 10 o'clock, 13 November 1864 - -	10 to 11	1	4 1	10 to 11	1	1 6
	11 to 12	1	1 8	11 to 12	-	17 3
	12 to 1	-	16 7	12 to 1	1	2 8
	1 to 2	1	- 8	1 to 2	-	17 6
	2 to 3	1	4 9	2 to 3	1	6 6
	3 to 4	-	16 11	3 to 4	1	6 2
	4 to 5	1	5 -	4 to 5	1	10 1
	5 to 6	1	- 10	5 to 6	1	- 6
	6 to 7	1	2 7	6 to 7	-	18 3
	7 to 8	-	17 5	7 to 8	-	14 2
	8 to 9	-	8 11	8 to 9	-	11 1
	9 to 10	-	9 1	9 to 10	-	10 1
	10 to 11	-	9 7	10 to 11	-	8 6
	11 to 12	-	7 3	11 to 12	1	1 6
	12 to 1	-	3 -	12 to 1	-	5 7
	1 to 2	-	1 1	1 to 2	-	2 7
	2 to 3	-	- 6	2 to 3	-	- 7
	3 to 4	-	- 2	3 to 4	-	- 4
	4 to 5	-	- 4	4 to 5	-	- 5
	5 to 6	-	- 6	5 to 6	-	- 6
	6 to 7	-	- 9	6 to 7	-	1 2
	7 to 8	-	1 6	7 to 8	-	1 1
	8 to 9	-	1 4	8 to 9	-	3 5
	9 to 10	-	2 3	9 to 10	-	6 3
	£.	12	16 9	- -	14	7 8
					12	16 9
				TOTAL - - - £.	27	4 5

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 1 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Sunday, 10 o'clock, to Monday, 10 o'clock, 1 May 1865	10 to 11	– 6 –	10 to 11	– 11 1
	11 to 12	– 4 –	11 to 12	– 3 6
	12 to 1	– 5 –	12 to 1	– 5 7
	1 to 2	– 8 1	1 to 2	– 12 9
	2 to 3	– 6 6	2 to 3	– 10 8
	3 to 4	– 6 –	3 to 4	– 10 1
	4 to 5	– 6 6	4 to 5	– 8 6
	5 to 6	– 5 –	5 to 6	– 4 9
	6 to 7	– 7 4	6 to 7	– 4 1
	7 to 8	– 7 3	7 to 8	– 7 2
	8 to 9	– 13 1	8 to 9	– 11 6
	9 to 10	1 – –	9 to 10	– 8 7
	10 to 11	– 14 4	10 to 11	– 7 1
	11 to 12	– 6 6	11 to 12	– 4 11
	12 to 1	– 2 –	12 to 1	– 2 1
	1 to 2	– – 6	1 to 2	– 1 1
	2 to 3	– – 3	2 to 3	– – 3
	3 to 4	– – 2	3 to 4	– – 4
	4 to 5	– – 7	4 to 5	– – 3
	5 to 6	– 2 –	5 to 6	– 2 1
	6 to 7	– 3 –	6 to 7	– 4 6
	7 to 8	– 5 2	7 to 8	– 6 6
	8 to 9	– 11 –	8 to 9	– 4 1
	9 to 10	– 16 –	9 to 10	– 12 7
	£.	7 16 3	– –	7 4 –
				7 16 3
			TOTAL – – – £.	15 – 3

TOLLS received at the Horse Gates of Waterloo Bridge, 2 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Monday, 10 o'clock, to Tuesday, 10 o'clock, 2 May 1865	10 to 11	1 14 9	10 to 11	– 18 9
	11 to 12	1 15 3	11 to 12	1 4 7
	12 to 1	1 3 6	12 to 1	– 18 11
	1 to 2	1 1 10	1 to 2	– 17 11
	2 to 3	1 2 –	2 to 3	1 2 5
	3 to 4	1 9 11	3 to 4	1 13 4
	4 to 5	1 16 1	4 to 5	1 14 3
	5 to 6	1 7 8	5 to 6	1 7 7
	6 to 7	1 7 5	6 to 7	1 6 5
	7 to 8	1 6 10	7 to 8	1 7 1
	8 to 9	1 1 1	8 to 9	– 18 9
	9 to 10	– 14 3	9 to 10	– 13 7
	10 to 11	– 15 –	10 to 11	– 15 3
	11 to 12	– 7 9	11 to 12	– 16 9
	12 to 1	– 3 8	12 to 1	– 6 3
	1 to 2	– 2 4	1 to 2	– 3 4
	2 to 3	– 2 8	2 to 3	– – 5
	3 to 4	– 4 5	3 to 4	– – 5
	4 to 5	– 5 2	4 to 5	– 1 1
	5 to 6	– 4 2	5 to 6	– 3 8
	6 to 7	– 6 –	6 to 7	– 8 1
	7 to 8	– 5 5	7 to 8	– 9 3
	8 to 9	– 8 9	8 to 9	– 8 10
	9 to 10	– 19 8	9 to 10	– 14 3
	£.	20 5 7	– –	18 11 2
				20 5 7
			TOTAL – – – £.	38 16 9

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 3 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Tuesday, 10 o'clock, to Wednesday, 10 o'clock, 3 May 1865 - - -	10 to 11	1 5 6	10 to 11	1 1 10
	11 to 12	1 8 6	11 to 12	1 6 1
	12 to 1	1 – –	12 to 1	– 17 2
	1 to 2	– 14 –	1 to 2	– 15 7
	2 to 3	– 18 1	2 to 3	1 1 1
	3 to 4	1 – 1	3 to 4	1 3 6
	4 to 5	1 3 2	4 to 5	1 15 7
	5 to 6	1 1 6	5 to 6	1 7 7
	6 to 7	1 6 6	6 to 7	1 3 5
	7 to 8	– 18 6	7 to 8	– 16 4
	8 to 9	– 13 1	8 to 9	– 13 11
	9 to 10	– 10 6	9 to 10	– 13 2
	10 to 11	– 10 –	10 to 11	– 10 10
	11 to 12	– 8 6	11 to 12	– 16 3
	12 to 1	– 4 6	12 to 1	– 6 1
	1 to 2	– 1 6	1 to 2	– 6 6
	2 to 3	– – 5	2 to 3	– – 4
	3 to 4	– – 6	3 to 4	– – 3
	4 to 5	– 1 –	4 to 5	– – 3
	5 to 6	– 2 –	5 to 6	– 1 1
	6 to 7	– 3 1	6 to 7	– 4 2
	7 to 8	– 3 –	7 to 8	– 3 7
	8 to 9	– 8 –	8 to 9	– 4 9
	9 to 10	– 15 6	9 to 10	– 10 9
	£.	14 17 5	- -	16 – 1
				14 17 5
			TOTAL - - - £.	30 17 6

TOLLS received at the Horse Gates of Waterloo Bridge, 4 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Wednesday, 10 o'clock, to Thursday, 10 o'clock, 4 May 1865 - - -	10 to 11	1 10 1	10 to 11	1 – 4
	11 to 12	1 12 7	11 to 12	– 19 3
	12 to 1	– 17 5	12 to 1	1 – 5
	1 to 2	– 16 7	1 to 2	– 17 2
	2 to 3	1 1 10	2 to 3	1 4 10
	3 to 4	1 6 11	3 to 4	1 7 3
	4 to 5	1 12 7	4 to 5	1 12 3
	5 to 6	1 6 –	5 to 6	1 9 1
	6 to 7	1 9 3	6 to 7	1 3 6
	7 to 8	1 – 5	7 to 8	1 2 3
	8 to 9	– 15 4	8 to 9	– 15 9
	9 to 10	– 14 3	9 to 10	– 11 3
	10 to 11	– 12 1	10 to 11	– 12 6
	11 to 12	– 7 2	11 to 12	– 18 4
	12 to 1	– 4 6	12 to 1	– 7 2
	1 to 2	– 2 10	1 to 2	– 3 2
	2 to 3	– 2 4	2 to 3	– 1 1
	3 to 4	– 2 11	3 to 4	– – 7
	4 to 5	– 3 2	4 to 5	– – 5
	5 to 6	– 5 9	5 to 6	– 3 2
	6 to 7	– 7 1	6 to 7	– 9 1
	7 to 8	– 7 6	7 to 8	– 11 8
	8 to 9	– 6 8	8 to 9	– 9 6
	9 to 10	– 17 7	9 to 10	– 15 4
	£.	18 2 10	- -	17 15 4
				18 2 10
			TOTAL - - - £.	35 18 2

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 5 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Thursday, 10 o'clock, to Friday, 10 o'clock, 5 May 1865 - - -	10 to 11	1 7 4	10 to 11	1 3 1
	11 to 12	1 5 –	11 to 12	1 2 7
	12 to 1	1 – 6	12 to 1	1 3 1
	1 to 2	1 1 4	1 to 2	– 17 1
	2 to 3	1 – 2	2 to 3	1 1 7
	3 to 4	1 1 –	3 to 4	1 7 2
	4 to 5	1 5 4	4 to 5	1 8 6
	5 to 6	1 3 –	5 to 6	1 7 7
	6 to 7	1 4 1	6 to 7	1 1 4
	7 to 8	– 17 –	7 to 8	– 16 1
	8 to 9	– 14 1	8 to 9	– 15 1
	9 to 10	– 10 6	9 to 10	– 13 4
	10 to 11	– 11 –	10 to 11	– 10 9
	11 to 12	– 10 –	11 to 12	– 19 1
	12 to 1	– 4 –	12 to 1	– 8 4
	1 to 2	– 2 –	1 to 2	– 5 1
	2 to 3	– – 6	2 to 3	– – 10
	3 to 4	– – 6	3 to 4	– – 9
	4 to 5	– – 8	4 to 5	– – 7
	5 to 6	– 2 –	5 to 6	– 1 10
	6 to 7	– 3 –	6 to 7	– 6 9
	7 to 8	– 6 4	7 to 8	– 5 5
	8 to 9	– 7 2	8 to 9	– 3 2
	9 to 10	– 14 6	9 to 10	– 12 9
	£.	15 11 –	- -	16 11 10
				15 11 –
			TOTAL - - - £.	32 2 10

TOLLS received at the Horse Gates of Waterloo Bridge, 6 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Friday, 10 o'clock, to Saturday, 10 o'clock, 6 May 1865 - - -	10 to 11	1 11 1	10 to 11	1 2 9
	11 to 12	1 6 2	11 to 12	1 – 6
	12 to 1	– 17 3	12 to 1	– 15 8
	1 to 2	– 15 5	1 to 2	1 – –
	2 to 3	1 2 10	2 to 3	1 – 9
	3 to 4	1 – 6	3 to 4	1 7 6
	4 to 5	1 9 9	4 to 5	1 16 7
	5 to 6	1 8 3	5 to 6	1 12 5
	6 to 7	1 4 9	6 to 7	1 6 9
	7 to 8	– 16 5	7 to 8	– 17 10
	8 to 9	– 14 –	8 to 9	– 13 4
	9 to 10	– 15 1	9 to 10	– 13 9
	10 to 11	– 13 2	10 to 11	– 10 1
	11 to 12	– 8 2	11 to 12	– 16 6
	12 to 1	– 6 8	12 to 1	– 6 2
	1 to 2	– 3 –	1 to 2	– 2 5
	2 to 3	– 3 1	2 to 3	– 1 4
	3 to 4	– 4 10	3 to 4	– – 7
	4 to 5	– 5 1	4 to 5	– 1 9
	5 to 6	– 6 4	5 to 6	– 2 3
	6 to 7	– 6 5	6 to 7	– 12 1
	7 to 8	– 7 –	7 to 8	– 10 3
	8 to 9	– 8 1	8 to 9	– 9 9
	9 to 10	– 15 5	9 to 10	– 15 3
	£.	17 8 9	- -	17 16 3
				17 8 9
			TOTAL - - - £.	35 5 –

TOLLS received at the Horse Gates of Waterloo Bridge, 7 May 1865. App. No 2.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Saturday, 10 o'clock, to Sunday, 10 o'clock, 7 May 1865 - - -	10 to 11	1 4 1	10 to 11	1 6 6
	11 to 12	1 1 1	11 to 12	1 4 7
	12 to 1	1 1 3	12 to 1	1 7 3
	1 to 2	1 - -	1 to 2	1 3 1
	2 to 3	1 6 6	2 to 3	1 12 1
	3 to 4	1 4 1	3 to 4	1 13 2
	4 to 5	1 6 1	4 to 5	1 17 9
	5 to 6	1 7 -	5 to 6	1 7 10
	6 to 7	1 4 6	6 to 7	1 4 6
	7 to 8	1 - -	7 to 8	- 13 5
	8 to 9	- 18 4	8 to 9	- 16 6
	9 to 10	- 15 -	9 to 10	- 11 8
	10 to 11	- 10 -	10 to 11	- 10 6
	11 to 12	- 10 6	11 to 12	- 16 2
	12 to 1	- 5 -	12 to 1	- 10 6
	1 to 2	- 2 -	1 to 2	- 4 3
	2 to 3	- - 6	2 to 3	- - 8
	3 to 4	- - 5	3 to 4	- - 4
	4 to 5	- - 6	4 to 5	- - 2
	5 to 6	- - 8	5 to 6	- - 8
	6 to 7	- 1 -	6 to 7	- 1 2
	7 to 8	- 1 6	7 to 8	- 2 6
	8 to 9	- 2 -	8 to 9	- 6 1
	9 to 10	- 4 6	9 to 10	- 14 7
	£.	15 6 6	- -	18 5 11
				15 6 6
			TOTAL - - - £.	33 12 5

TOLLS received at the Horse Gates of Waterloo Bridge, 8 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Sunday, 10 o'clock, to Monday, 10 o'clock, 8 May 1865 - - -	10 to 11	- 10 5	10 to 11	- 14 5
	11 to 12	- 4 4	11 to 12	- 3 6
	12 to 1	- 8 5	12 to 1	- 12 1
	1 to 2	- 12 10	1 to 2	- 19 8
	2 to 3	- 7 6	2 to 3	- 12 1
	3 to 4	- 7 3	3 to 4	- 11 7
	4 to 5	- 13 9	4 to 5	- 9 11
	5 to 6	- 9 4	5 to 6	- 6 4
	6 to 7	- 9 9	6 to 7	- 5 6
	7 to 8	- 8 1	7 to 8	- 4 9
	8 to 9	- 11 -	8 to 9	- 11 3
	9 to 10	- 18 9	9 to 10	- 9 1
	10 to 11	- 12 4	10 to 11	- 6 8
	11 to 12	- 6 2	11 to 12	- 4 4
	12 to 1	- 2 10	12 to 1	- 1 10
	1 to 2	- - 9	1 to 2	- 1 1
	2 to 3	- - 4	2 to 3	- - 2
	3 to 4	- - 2	3 to 4	- - 2
	4 to 5	- - 6	4 to 5	- - 1
	5 to 6	- 1 11	5 to 6	- 1 10
	6 to 7	- 3 7	6 to 7	- 5 10
	7 to 8	- 3 10	7 to 8	- 5 6
	8 to 9	- 9 8	8 to 9	- 5 8
	9 to 10	- 18 5	9 to 10	- 11 2
	£.	9 1 11	- -	8 4 6
				9 1 11
			TOTAL - - - £.	17 6 5

App. No. 2.

Tolls received at the Horse Gates of Waterloo Bridge, 9 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Monday, 10 o'clock, to Tuesday, 10 o'clock, 9 May 1865	10 to 11	1 14 1	10 to 11	1 2 2
	11 to 12	1 10 1	11 to 12	– 19 6
	12 to 1	1 – –	12 to 1	– 19 1
	1 to 2	1 – 1	1 to 2	– 18 7
	2 to 3	1 2 3	2 to 3	1 4 1
	3 to 4	1 3 4	3 to 4	1 7 6
	4 to 5	1 4 2	4 to 5	1 13 1
	5 to 6	1 10 –	5 to 6	1 9 1
	6 to 7	1 7 –	6 to 7	1 6 1
	7 to 8	1 – –	7 to 8	– 16 6
	8 to 9	– 16 3	8 to 9	– 15 8
	9 to 10	– 12 6	9 to 10	– 11 4
	10 to 11	– 17 –	10 to 11	– 12 2
	11 to 12	– 8 4	11 to 12	– 16 8
	12 to 1	– 4 4	12 to 1	– 6 3
	1 to 2	– 1 2	1 to 2	– 3 4
	2 to 3	– 2 6	2 to 3	– 1 2
	3 to 4	– 2 –	3 to 4	– 1 1
	4 to 5	– 3 –	4 to 5	– – 5
	5 to 6	– 8 –	5 to 6	– 2 9
	6 to 7	– 6 6	6 to 7	– 8 6
	7 to 8	– 7 4	7 to 8	– 10 4
	8 to 9	– 8 –	8 to 9	– 9 9
	9 to 10	– 17 2	9 to 10	– 16 8
	£.	18 5 1	– –	17 11 9
				18 5 1
			Total – – – £.	35 16 10

Tolls received at the Horse Gates of Waterloo Bridge, 10 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Tuesday, 10 o'clock, to Wednesday, 10 o'clock, 10 May 1865	10 to 11	1 9 3	10 to 11	1 2 2
	11 to 12	1 7 9	11 to 12	1 1 4
	12 to 1	– 19 2	12 to 1	1 – 4
	1 to 2	– 18 11	1 to 2	– 16 9
	2 to 3	1 5 6	2 to 3	1 4 4
	3 to 4	– 19 3	3 to 4	1 5 3
	4 to 5	1 8 7	4 to 5	1 14 7
	5 to 6	1 8 1	5 to 6	1 10 3
	6 to 7	1 4 7	6 to 7	1 3 5
	7 to 8	– 18 –	7 to 8	– 14 7
	8 to 9	– 15 1	8 to 9	– 12 5
	9 to 10	– 16 9	9 to 10	– 10 3
	10 to 11	– 12 1	10 to 11	– 10 4
	11 to 12	– 10 2	11 to 12	– 17 1
	12 to 1	– 3 8	12 to 1	– 8 6
	1 to 2	– 1 7	1 to 2	– 3 2
	2 to 3	– – 6	2 to 3	– 1 6
	3 to 4	– – 5	3 to 4	– – 7
	4 to 5	– 1 1	4 to 5	– – 2
	5 to 6	– 2 6	5 to 6	– 1 4
	6 to 7	– 2 –	6 to 7	– 5 3
	7 to 8	– 4 7	7 to 8	– 6 6
	8 to 9	– 8 9	8 to 9	– 5 4
	9 to 10	– 18 10	9 to 10	– 14 8
	£.	16 17 1	– –	16 10 1
				16 17 1
			Total – – – £.	33 7 2

App. No. 2.

Tolls received at the Horse Gates of Waterloo Bridge, 11 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Wednesday, 10 o'clock, to Thursday, 10 o'clock, 11 May 1865 - - -	10 to 11	1 11 3	10 to 11	- 17 11
	11 to 12	1 4 1	11 to 12	- 16 5
	12 to 1	- 16 6	12 to 1	- 16 6
	1 to 2	- 16 -	1 to 2	- 15 7
	2 to 3	- 18 4	2 to 3	- 17 7
	3 to 4	1 - -	3 to 4	1 1 3
	4 to 5	1 3 1	4 to 5	1 6 9
	5 to 6	- 18 -	5 to 6	1 4 8
	6 to 7	1 - -	6 to 7	- 16 2
	7 to 8	- 14 1	7 to 8	- 13 3
	8 to 9	- 8 6	8 to 9	- 12 8
	9 to 10	- 10 1	9 to 10	- 7 9
	10 to 11	- 10 6	10 to 11	- 11 6
	11 to 12	- 8 -	11 to 12	- 16 7
	12 to 1	- 4 4	12 to 1	- 8 3
	1 to 2	- 1 6	1 to 2	- 3 10
	2 to 3	- 2 -	2 to 3	- - 8
	3 to 4	- 1 6	3 to 4	- - 5
	4 to 5	- 3 -	4 to 5	- - 7
	5 to 6	- 4 -	5 to 6	- 3 2
	6 to 7	- 6 6	6 to 7	- 4 6
	7 to 8	- 6 -	7 to 8	- 6 3
	8 to 9	- 9 -	8 to 9	- 7 6
	9 to 10	1 - 7	9 to 10	- 14 1
	£.	14 16 10	- -	14 3 10
				14 16 10
			Total - - - £.	29 - 8

Tolls received at the Horse Gates of Waterloo Bridge, 12 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Thursday, 10 o'clock, to Friday, 10 o'clock, 12 May 1865 - -	10 to 11	1 9 11	10 to 11	1 4 6
	11 to 12	1 13 6	11 to 12	1 1 1
	12 to 1	1 - 5	12 to 1	- 16 10
	1 to 2	- 18 10	1 to 2	- 18 6
	2 to 3	1 1 8	2 to 3	1 1 1
	3 to 4	1 5 9	3 to 4	1 7 10
	4 to 5	1 - 11	4 to 5	1 11 6
	5 to 6	1 3 10	5 to 6	1 2 6
	6 to 7	1 3 4	6 to 7	1 1 6
	7 to 8	- 18 9	7 to 8	- 13 1
	8 to 9	- 12 7	8 to 9	- 11 1
	9 to 10	- 10 3	9 to 10	- 12 6
	10 to 11	- 9 6	10 to 11	- 10 3
	11 to 12	- 9 10	11 to 12	- 18 4
	12 to 1	- 4 -	12 to 1	- 6 7
	1 to 2	- 2 7	1 to 2	- 3 6
	2 to 3	- - 9	2 to 3	- - 7
	3 to 4	- - 5	3 to 4	- - 6
	4 to 5	- - 6	4 to 5	- - 2
	5 to 6	- 2 3	5 to 6	- 1 4
	6 to 7	- 5 5	6 to 7	- 5 10
	7 to 8	- 4 7	7 to 8	- 6 4
	8 to 9	- 7 7	8 to 9	- 6 2
	9 to 10	- 13 6	9 to 10	- 10 3
	£.	16 - 8	- -	15 11 10
				16 - 8
			Total - - - £.	31 12 6

App. No. 2.

TOLLS received at the Horse Gates of Waterloo Bridge, 13 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Friday, 10 o'clock, to Saturday, 10 o'clock, 13 May 1865.	10 to 11	1 4 4	10 to 11	– 19 1
	11 to 12	1 5 –	11 to 12	– 19 8
	12 to 1	– 18 4	12 to 1	1 – 6
	1 to 2	– 17 6	1 to 2	– 17 4
	2 to 3	1 1 –	2 to 3	1 1 5
	3 to 4	1 – 4	3 to 4	1 8 1
	4 to 5	1 4 6	4 to 5	1 10 6
	5 to 6	1 3 6	5 to 6	1 7 8
	6 to 7	1 6 –	6 to 7	1 3 6
	7 to 8	1 – 4	7 to 8	– 16 1
	8 to 9	– 16 –	8 to 9	– 17 6
	9 to 10	– 14 6	9 to 10	– 11 4
	10 to 11	– 13 –	10 to 11	– 13 6
	11 to 12	– 10 4	11 to 12	1 2 3
	12 to 1	– 5 –	12 to 1	– 10 1
	1 to 2	– 4 3	1 to 2	– 4 4
	2 to 3	– 2 –	2 to 3	– 1 1
	3 to 4	– 4 4	3 to 4	– – 11
	4 to 5	– 5 6	4 to 5	– 1 3
	5 to 6	– 10 –	5 to 6	– 1 9
	6 to 7	– 5 –	6 to 7	– 8 7
	7 to 8	– 4 6	7 to 8	– 11 6
	8 to 9	– 7 –	8 to 9	– 7 1
	9 to 10	– 18 1	9 to 10	– 15 2
	£.	17 – 4	- -	17 10 2
				17 – 4
			TOTAL - - - £.	34 10 6

TOLLS received at the Horse Gates of Waterloo Bridge, 14 May 1865.

	SURREY.		MIDDLESEX.	
	Time.	Amount Received.	Time.	Amount Received.
		£. s. d.		£. s. d.
From Saturday, 10 o'clock, to Sunday, 10 o'clock, 14 May 1865 - - -	10 to 11	1 3 1	10 to 11	1 7 10
	11 to 12	1 8 2	11 to 12	1 4 7
	12 to 1	1 1 6	12 to 1	1 5 3
	1 to 2	1 4 8	1 to 2	1 5 7
	2 to 3	1 13 5	2 to 3	1 10 8
	3 to 4	1 4 10	3 to 4	1 12 2
	4 to 5	1 8 6	4 to 5	1 18 6
	5 to 6	1 5 7	5 to 6	1 7 2
	6 to 7	1 4 3	6 to 7	1 3 1
	7 to 8	– 17 4	7 to 8	– 16 3
	8 to 9	– 18 9	8 to 9	– 15 2
	9 to 10	– 14 8	9 to 10	– 14 2
	10 to 11	– 17 –	10 to 11	– 10 6
	11 to 12	– 9 7	11 to 12	– 18 7
	12 to 1	– 5 9	12 to 1	– 11 10
	1 to 2	– 1 9	1 to 2	– 3 1
	2 to 3	– – 7	2 to 3	– – 10
	3 to 4	– – 4	3 to 4	– – 3
	4 to 5	– – 5	4 to 5	– – 3
	5 to 6	– 1 –	5 to 6	– 1 1
	6 to 7	– 1 3	6 to 7	– – 8
	7 to 8	– 1 8	7 to 8	– 2 6
	8 to 9	– 2 10	8 to 9	– 3 1
	9 to 10	– 3 7	9 to 10	– 12 3
	£.	16 10 6	- -	18 5 4
				16 10 6
			TOTAL - - - £.	34 15 10

Appendix, No. 3.

PAPERS handed in by Mr. *Austin*.

App. No. 3.

Westminster Bridge Estate.

1.

	£.	s.	d.
Value of property transferred from the Westminster Bridge Commissioners to the Commissioners of Her Majesty's Works and Public Buildings, under 16 & 17 Vict. c. 46 (according to Mr. Hardwick's valuation)	172,571	–	–

2.

	£.	s.	d.	£.	s.	d.
The property realised—						
(1.) By sales by auction in 1855–56 and 1856–57 of portions of estate	60,120	–	–			
(2.) By transfer to Consolidated Fund, 1858–59	111,429	–	–			
				171,549	–	–

3.

Net amount of rents received previously to the sales of the portions of the estate, and transfer to the Consolidated Fund	22,529	–	–
£.	194,078	–	–

Westminster Bridge Estate (Personalty).

1.

	£.	s.	d.
Amount of Stock (3*l.* per Cent. Consols) transferred by the Westminster Bridge Commissioners to the Commissioners of Her Majesty's Works and Public Buildings, under 16 & 17 Vict. c. 46	35,529	7	5
Amount received from the Treasurer to the Westminster Bridge Commissioners, being the Cash Balance in his hands	4,215	10	3

2.

	£.	s.	d.
Amount realised by sale of Stock	32,275	2	1
Amount received for Dividends on Stock	1,661	18	4
Ditto from Treasurer of Westminster Bridge Commissioners	4,215	10	3
Amount realised by sales of old materials	6,297	14	5
£.	44,450	5	1

Appendix, No. 4.

PAPER handed in by Mr. *Barlow*, 29 May 1865.

THE LAMBETH BRIDGE COMPANY.

REPORT of the DIRECTORS, and ACCOUNTS to be submitted to the Ordinary Half Yearly Meeting of the Shareholders to be held at 21, Great George-street, Westminster, on Tuesday, the 28th of February 1865, at Twelve o'clock precisely.

THE Directors report to the Shareholders that the Balance in hand applicable to a Dividend is 1,908 *l.* 15 *s.* 6 *d.*; and they recommend a Dividend at the rate of 8 per cent. per annum for six months ending the 28th day of February 1865, to be payable on the 31st March next. This will leave about 700 *l.* to be carried to the next account.

Viscount Torrington being the Director, and R. B. Oakeley being the Auditor, retiring by rotation, offer themselves for re-election.

21, Great George-street, Westminster,
15 February 1865.

Torrington, Chairman.

HALF YEAR'S ACCOUNT, ending the 31st January 1865.

The Directors of the LAMBETH BRIDGE COMPANY in Account with the Company.

Dr. 1. As to Capital. *Cr.*

	£.	s.	d.		£.	s.	d.
1865:				1865:			
Jan. 31. To Balance carried down - -	1,789	3	2	Jan. 31. By Balance - - - -	1,580	4	11
				„ Cash paid for Works - -	208	18	3
				£.	1,789	3	2
				Jan. 31. Balance brought down - £.	1,789	3	2

Dr. 2. As to Interest. *Cr.*

	£.	s.	d.		£.	s.	d.
1864:				1864:			
August. To Balance in hand - - -	1,819	3	10	August. By Cash paid:—			
„ Cash received:—				Dividend declared 31st August 1864 - - -	1,196	7	4
L. Davis, six months' rent to the 17th January 1865 -	2,100	–	–	Interest on Debentures -	292	10	–
Rent - - - - - -	6	15	–	Gas - - - - -	46	3	9
				Directors and Secretary -	136	15	5
				Rates - - - -	206	2	6
				Income tax - -	93	18	11
				Sundries - - - -	45	5	5
				Balance - - - -	1,908	15	6
£.	3,925	18	10	£.	3,925	18	10
1865:							
Jan. 31. To Balance brought down - £.	1,908	15	6				

Dr CAPITAL ACCOUNT. *Cr.*

	£.	s.	d.		£.	s.	d.
Received on 2,964 Shares, fully paid up -	29,640	–	–	Paid Costs of Act - - - - -	1,391	1	10
„ on 1,036 Shares, 1 *l.* paid -	1,036	–	–	„ for Land - - - - -	9,520	12	3
„ on Debentures - - -	10,000	–	–	„ for Works - - - - -	32,309	7	–
„ of London Gas Light Company	2,000	–	–	„ for Interest during Construction -	369	2	10
„ for Suplus Land - - -	250	–	–	„ Sundries - - - - -	1,150	17	10
„ Fees and Interest - - -	25	18	7				
Balance - - - - - -	1,798	3	2				
£.	44,741	1	9	£.	44,741	1	9

(signed) *Torrington*, Chairman.

The above Accounts were audited as to Capital and Interest, the 15th day of February 1865, and found correct.

(signed) *R. Banner Oakeley*, *Thos. J. White*, } Auditors.

Appendix, No. 5.

PAPERS handed in by Mr. *Brand*, 29 May 1865.

STATEMENT of the Comptroller's Charge upon the Chamberlain of the RENTS and PROFITS of the BRIDGE HOUSE ESTATES for the Year 1864. App. No. 5.

	£.	s.	d.	£.	s.	d.
RENTS:						
Proper Rents	21,959	16	2			
Foreign Rents	13,989	10	2			
Lands purchased	2,906	1	11			
Blackfriars Bridge	129	6	2			
Quit Rents	6	3	11			
				38,990	18	4
DIVIDENDS:						
Dividends on 910 *l.* 17 *s.* 2 *d.* stock standing in the name of the Accountant General of the Court of Chancery, being the produce of purchase-money for property taken by the Mid-Kent Railway Company.	40	19	9			
The like on 1,920 *l.* stock, being the produce of purchase-money for ground taken by the Commissioners.	57	12	–			
The like on 3,753 *l.* 7 *s.* stock, being the produce of purchase-money for property taken by the Commercial Docks Company.	112	12	–			
The like on 45,948 *l.* 12 *s.* stock, being the produce of purchase-money for property taken by the London, Chatham, and Dover Railway Company.	689	4	6			
The like on 2,713 *l.* 14 *s.* 1 *d.* stock, being the produce of purchase-money for property taken by the Metropolitan Board of Works.	40	14	1			
Interest on the purchase-money prior to the same being paid into the Bank.	117	10	9			
Dividends on 310 *l.* 9 *s.* 7 *d.* stock standing in the names of the Chamberlain and Comptroller, being the produce of the purchase-money for property taken by the London and Greenwich Railway Company, the London and Croydon Railway Company, and the London, Brighton, and South Coast Railway Company, and a quit rent sold to the Governors of St. Bartholomew's Hospital.	9	6	2	1,067	19	3
CASUAL RECEIPTS:						
Cash received for the old materials of premises pulled down in Bermondsey New-road.	31	19	6			
Income duty retained on interest on loans	96	4	6			
				128	4	–
			£.	40,187	1	7

The rents denominated proper rents consist of the rents of property situate in the City of London and in the parishes of St. Olave and St. Saviour in Southwark.

The rents denominated foreign rents consist of the rents of property situate at Lewisham, Sydenham, Deptford, the Kent-road, St. George's-fields, Bermondsey, Stratford, and Ewell.

The rents denominated lands purchased consist of the rents of property situate in and near Blackman-street, Southwark, and Hercules-buildings, Lambeth.

The rents under the head of Blackfriars Bridge consist of the rents created under the old Blackfriars Bridge Acts, and transferred to the Bridge House Funds by "The Blackfriars Bridge Act, 1863."

EXISTING CHARGES in reference to Rebuilding LONDON BRIDGE.

App. No. 5.

Terminable Annuities payable to Her Majesty's Exchequer as under :—

	£.		£.
Terminating 8 May 1867	1,500	Terminating 3 April 1869	800
„ 20 July „	1,500	„ 3 July 1870	2,500
„ 22 Sept. „	1,000	„ 3 Dec. „	2,500
„ 26 Oct. „	2,000	„ 5 Mar. 1871	2,500
„ 18 Jan. 1868	1,500	„ 8 April „	1,250
„ 21 June „	1,500		£. 21,550
„ 20 Sept. „	1,000		
„ 29 Nov. „	2,000		

EXISTING CHARGES in relation to Repairing BLACKFRIARS BRIDGE.

Remaining of Bonds issued for the repair of Blackfriars Bridge - - - £. 46,100

EXISTING CHARGES in relation to Rebuilding BLACKFRIARS BRIDGE.

Amount raised for Rebuilding Blackfriars Bridge, and constructing and improving Bridge £. 300,000

AN ACCOUNT of the INCOME and EXPENDITURE of the BRIDGE HOUSE ESTATES, for the Year 1864.

INCOME.

	£.	s.	d.	£.	s.	d.
To Balance in hand on 31st December 1863						4,599 11 7¼
„ Rents and quit rents, viz. :—						
Proper rents	22,210	2	2½			
Foreign rents	14,202	12	5¼			
Lands purchased	3,200	–	3			
St. Ann, Blackfriars	69	10	2½			
Quit rents	8	2	11			
						39,690 8 –¼
„ Dividends on 3 *l.* per cent. Consolidated Bank Annuities	293	11	10			
„ Ditto on 3 *l.* per cent. Reduced Bank Annuities	825	6	2			
						1,118 18 –
„ Income duty retained on interest on loans						96 4 6
„ The city's architect, produce of sale of old materials, Bermondsey New-road						31 19 6
				£.		45,537 1 7½

EXPENDITURE.

Charges on the Rental, Expenses of Management and Collection :—

	£.	s.	d.	£.	s.	d.
By R. Stanton, for performing duties of bridgemaster half a-year and 60 days	13	5	9			
„ E. Ledger, bridgemaster, quarter salary	5	–	–			
				18	5	9
„ T. P. Rose, ditto, one year's salary				20	–	–
„ The City's Cash, the appointment of salary and expenses of the office of comptroller for one year and a-half				786	1	9
„ T. B. Bunning, Esq., Architect and Surveyor, 34 days' salary				55	17	10
„ Architect and surveyor's establishment account, proportion of salary and expenses, three quarters of a year and 45 days				524	7	8
„ Mr. Chamberlain's clerks, one year's allowance				300	–	–
„ J. P. Weaver, messenger, for weekly wages				79	10	–
„ One year's allowance for expenses of the committee				300	–	–
„ Sundry artificers				39	11	6
„ Printing and stationery				44	–	8
„ Coach hire for committees on views				7	10	–
„ Petty disbursements				5	–	–
						2,180 5 2
Rent Charges, Quit rent, and other Obligatory Charges :						
By Sundry payments for rents, quit rents, &c.				204	19	–
„ Land and other taxes and tithes				441	16	6
„ Fire insurance				1	7	6
„ Amount allowed tenant for income tax				1,019	10	–
						1,667 13 –
Pensions :						
By Widow of D. Jewett, late clerk to Comptroller, one year's pension				26	–	–
„ Pensions to aged and distressed carpenters, labourers, &c.				149	14	6
						175 14 6

ACCOUNT of the Income and Expenditure of the Bridge House Estates for the Year 1864– *contd.* App. No. 5.

EXPENDITURE—*continued.*

	£. s. d.	£. s. d.
Lighting, Cleansing and Repairing London Bridge:		
By Gas-lighting	193 2 6	
„ Cleansing	180 – –	
„ Watching	382 4 –	
„ The sweepers on London Bridge, weekly wages, &c.	99 12 –	
„ Water supplied to urinals, &c.	74 10 8	
„ Repairs to carriageway of the bridge	2 11 7	
„ Fine gravel for carriageway of the bridge	36 15 –	
„ Sundry artificers for repairs of bridge	10 16 8	
„ S. W. Leach, Esq., C.E., for surveying bed of river at and near London Bridge	21 – –	
		1,000 12 5
Lighting, Cleansing, and Repairing Blackfriars Bridge (Act 26 & 27 Vict.):		
By Artificers	42 5 2	
„ Gas-lighting	149 9 9	
„ Watching	286 – –	
„ Watering, &c.	146 19 10	
„ Water, urinals	16 14 11	
„ Advertising	83 6 5	
„ Surveys, &c.	203 6 6	
		928 2 7
Law and Parliamentary Charges:		
By F. Brand, Esq., Comptroller, his bills for business transacted to Lady-day 1864	15 5 –	
„ E. Tyrrell, Esq., Remembrancer, balance for ditto to Michaelmas 1863	658 16 –	
		674 1 –
Miscellaneous Payments:		
By The Right Honourable William Lawrence, Lord Mayor, the usual allowance	50 – –	
„ The Steward of the Borough of Southwark, one year's salary and livery	22 – –	
„ The auditors for auditing the accounts for 1862	25 – –	
„ The yeomen of the channel, one year	2 10 –	
„ The jurors of certain manors, towards their expenses on courts leet	43 14 –	
„ St. Thomas's Hospital, one year's benevolence	5 – –	
„ St. Olave and St. John, Southwark, the like	2 13 4	
		150 17 4
Her Majesty's Exchequer:		
By Amount of annuities in respect of advances out of Consolidated Fund towards rebuilding London Bridge		21,550 – –
Interest on Loans:		
By Interest on amount remaining of loan raised for repairing Blackfriars Bridge	2,137 15 11	
„ Ditto on amount raised on account of loan for rebuilding ditto	1,442 9 6	
		3,580 5 5
		31,907 11 5
Balance in hand on 31st December 1864		13,629 10 2½
	£.	45,537 1 7½

(signed) *Benjamin Scott*, Chamberlain.

Appendix, No. 6.

PAPERS handed in by Mr. *Hunt*, 29 May 1865.

App. No. 6.

STATEMENT of TRAFFIC on SOUTHWARK BRIDGE from 9th November 1864. the period of its being thrown open to the Public, Toll free, to 7th May 1865.

Date.	Foot Passengers.	Cabs.	Two-horse Carriages.	Carts.	Vans.	Trucks.	Saddle Horses.	Supposed Amount of Toll.
								£. s. d.
9th to 30th Nov.	288,464	28,438	2,529	13,841	6,756	1,257	1,189	1,628 19 1
December -	425,700	45,173	3,496	21,740	11,597	2,049	1,773	2,767 7 11
January - -	422,500	46,581	3,289	19,612	12,286	2,408	1,720	2,465 12 2
February - -	353,800	41,235	2,667	16,669	10,391	2,262	1,205	2,072 7 11
March - -	396,600	44,071	3,315	22,073	13,879	2,565	2,193	2,405 14 1
April - -	377,000	43,907	3,229	20,376	13,438	2,227	2,243	2,277 11 -
1st to 7th May -	95,248	12,496	1,018	5,823	3,942	614	652	601 13 4
TOTAL - -	2,359,312	261,901	19,543	120,134	72,289	13,382	10,975	14,219 5 6

Total Foot Passengers,	Vehicles,	Saddle Horses,	Total,
2,359,312	487,249	10,975	£. 14,219. 5 *s.* 6 *d.*
or, at supposed toll, £. 9,830. 9 *s.* 4 *d.*			

TRAFFIC from 8th November 1863 to 7th May 1864, on Payment of Toll.

Date.	Foot Passengers.		Vehicles, &c.
	£. s. d.		£. s. d.
8th to 30th November -	139 16 5	- - -	86 16 11
December - - -	179 14 8	- - -	119 9 5
January - - -	175 - -	- - -	110 4 9
February - - -	170 11 7	- - -	96 10 4
March - - -	176 3 2	- - -	110 3 3
April - - -	188 3 11	- - -	141 16 4
1st to 7th May - -	43 18 8	- - -	35 8 6
TOTAL - - £.	1,073 8 -	or, 257,616 Foot Passengers.	703 9 6

TOTAL Amount for Foot Passengers, Vehicles, &c. - - - £. 1,776. 17 *s.* 6 *d.*

Appendix, No. 7.

PAPERS handed in by Major *Boileau*, 29 May 1865.

THE HAMMERSMITH BRIDGE COMPANY.

App. No. 7.

Capital Subscribed, 80,000 *l.*, in 1,600 Shares, at 50 *l.* each. There is an additional sum expended out of Income of 5,000 *l.*

The Bridge was first opened for traffic on the 7th October 1827.

The Tolls for Foot Passengers and Carriages for One Year, to the 30th April 1865, were 4,949 *l.* 8 *s.* 5 *d.*

The Total Revenue from the Bridge, Rents of Land, and Steam Boat Pier Tolls, for the Year ending 30th April 1865, is 5,242 *l.* 2 *s.* 9 *d.*

The Horse Carriage Traffic has not been kept separate from the Foot Passenger Traffic.

Details of the Outgoings, and the Average Annual Sums for Maintenance and Repairs of Bridge.

	Repairs of the Bridge (exclusive of the Roads or Approaches).		
	£.	*s.*	*d.*
Brought forward from previous Return 29 June 1854 - - -	8,674	14	5
Dividends 25th - 1855 - 25 *s.* per Share - Bridge Repairs - -	54	–	–
„ 26th - 1856 - 20 *s.* ditto - ditto - - -	67	17	4
„ 27th - 1857 - 20 *s.* ditto - ditto - - -	582	6	–
„ 28th - 1858 - 25 *s.* ditto - ditto - - -	53	18	1
„ 29th - 1859 - 28 *s.* ditto - ditto - - -	87	19	8
„ 30th - 1860 - 30 *s.* ditto - ditto - - -	27	1	1
„ 31st - 1861 - 30 *s.* ditto - ditto - - -	1,396	3	3
„ 32d - 1862 - 30 *s.* ditto - ditto - - -	427	7	2
„ 33d - 1863 - 30 *s.* ditto - ditto - - -	82	13	6
„ 34th - 1864 - 30 *s.* ditto - ditto - - -	164	4	9
„ 35th - 1865 - - - - - ditto - - -	90	19	3
35 Dividends and 3 nil - - 38)	11,809	4	6
Average per Annum - - - £.	311	3	3

Annual Average Cost of the Maintenance of 3 ¼ Miles of Roads, Charges of Management, Rates and Taxes, &c. about - - - - - - £. 1,300 – –

	£.	*s.*	*d.*
The Tolls from 1st January 1856 to 31st December 1856, are - -	3,237	3	2
Ditto - 1st ditto 1860 to 31st ditto 1860, are - -	3,887	18	1½
Ditto - 1st ditto 1864 to 31st ditto 1864, are - -	4,800	5	5

THE HAMMERSMITH BRIDGE COMPANY.

Dr. *Cr.*

30 April 1864.	£.	s.	d.
To Biddulph, Cocks, & Co., Treasurers.—In hand on 1st May 1863	30	–	8
„ G. Glasson, Secretary.—In hand on 1st May 1863	75	–	–
„ Tolls.—Collections from 26th April 1863 to 30 April 1864	4,479	11	8
„ Pier Tolls.—Collections since 30th April 1863	62	13	5
„ Produce of Estates.—Balance of Rents Received	65	16	7
„ London Joint Stock Bank.—Interest on Deposit Account for one year to 30th April 1864	74	2	9

ASSETS.	£.	s.	d.
Cash at London Joint Stock Bank on Deposit Account	2,250	–	–
Cash at Banker's and with Secretary	174	14	6
£.	2,424	14	6

In Reserve Fund, New Three per Cent. Stock £. 973 1 3.

And about 13 Acres of Frontage Land.

THE AUDITORS' REPORT.

We, the undersigned Auditors, having examined the Accounts of the Company to the 30th April last, find the same correct according to this Balance Sheet.

21 May 1864.

George S. Bond,
George Vacher. } Auditors.

	£.	s.	d.	£.	s.	d.
30 April 1864.						
By Bridge Charges.—Jos. Dowson & Co., Timber	4	1	1			
W. and T. Jones, Pitch and Tar	9	2	8			
Richard Walker, Smith	1	7	–			
E. Rainbow, Iron Roller	2	13	–			
Hurst & Co., Notes of General Meeting on 5th June 1862	15	14	4			
Men's Wages, Repairing Roadway	33	9	2			
Sundry small payments	12	14	3			
				79	1	6
By Road Charges.—G. Smeed, Dug Flints	179	6	3			
R. L. and J. Fennings, Broken Granite	62	10	–			
G. Udall, Cartage and Horse Hire	117	5	9			
Men's Wages, Repairing and Watering Roads	173	6	1			
G. Eustace, Repairing Water Carts	10	17	–			
Sundry small payments	16	14	6			
Brentford Gas Company, Gas	124	10	–			
Ditto, Half Cost of Contract	5	10	11			
Southwark and Vauxhall Water Company, Water	80	–	–			
West Middlesex Waterworks, ditto	8	–	–			
£.	778	–	6			
Deduct—Southwark and Vauxhall Water Co., Road Repairs 41 5 –						
„ Brentford Gas Company for their Main upon Bridge 25 – –						
„ Ditto for three Lamp Posts 4 17 6						
„ Sand sold from the Company's Pit 21 4 4						
„ South-Western Railway Company, Repair of Road over Railway Bridge. 10 – –						
„ West Middlesex Water Works, Moiety of Repairs of Hedge next Reservoirs. 6 14 9						
	109	1	7			
				668	18	11
By Pier Charges.—Men's Wages, attending at Pier, and Repairs	–	–	–	34	7	3
„ Rates and Taxes.—Barnes Parish	73	10	4			
Hammersmith Parish	131	4	5			
Income Tax on Profits 34*l.* 11*s.* 3*d.*, do. on Secretary's Salary, 4*l.* 7*s.* 6*d.*	38	18	9			
				243	13	6
By Charges of Management.—Committee	150	–	–			
Auditors	6	6	–			
Secretary, 150*l.*; Tollmen, 145*l.* 12*s.*	295	12	–			
Office Disbursements, Printing, Stationery, Coach Hire, Stamps, Postages, Repairs, Coals, and Water Rate.	64	5	5			
				516	3	5
By Reserve Fund.—Annual Appropriation	50	–	–			
Balance of Rents received to 30th April 1864	65	16	7			
				115	16	7
By Bridge Charges.—W. Mansell, enlarging Tollman's House and re-laying Drains	–	–	–	85	3	3
By Road Charges.—J. Beck, for 12 Hydrants	60	–	–			
J. Haward, Granite Paving for Hydrants and Watercarts	21	–	–			
West Middlesex Waterworks, for Stand Post at Broadway	8	–	–			
				89	–	–
By Law Charges.—Messrs. Bailey & Co., cost of Conveyance of a Piece of Land in Barnes from the West Middlesex Water Company				6	17	4
By Produce of Estates.—Dean and Chapter of St. Paul's, for renewal and cost of Lease				156	8	10
„ Dividend Account.—30*s.* per Share on 1,578 Shares				2,367	–	–
„ London Joint Stock Bank.—Deposit Account additional				250	–	–
„ Biddulph, Cocks, & Co., Treasurers.—In hand				99	14	6
„ G. Glasson, Secretary.—In hand				75	–	–
Total £.				4,787	5	1

Total £. 4,787 5 1

Dr. THE HAMMERSMITH BRIDGE COMPANY. *Cr.*

30 April 1865.	£.	s.	d.
To Cocks, Biddulph & Co., Treasurers.—In hand on 1st May 1864	99	14	6
„ G. Glasson, Secretary.—In hand on 1st May 1864	75	–	–
„ Tolls.—Collections from 1st May 1864 to 29th April 1865	4,949	8	5
„ Pier Tolls.—Collections since 30th April 1864	77	11	–
„ Produce of Estates.—Balance of Rents received	90	5	11
„ Interest.—Per London Joint Stock Bank, for Interest on Deposit Account, from 1st May 1864 to 20th April 1865	124	17	5

ASSETS.

	£.	s.	d.
Cash at London Joint Stock Bank on Deposit Account	3,250	–	–
Cash at Banker's and with Secretary	308	10	5
£.	3,558	10	5

In Reserve Fund, New Three per Cent. Stock - £. 1,162. 3. 9.
And about 13 Acres of Frontage Land.

THE AUDITORS' REPORT.

We, the undersigned Auditors, having examined the Accounts of the Company to the 30th April last, find the same correct according to this Balance Sheet.

22 May 1865. *George S. Bond,* *George Vacher,* *Edmund Pemell,* } Auditors.

	£.	s.	d.
TOTAL £.	5,416	17	3

30 April 1865.	£.	s.	d.	£.	s.	d.
By Bridge Charges.—J. Dowson & Co., Timber	6	16	6			
W. & T. Jones, Tar and White Lead	6	18	3			
G. Smeed, Surface Flints	15	–	–			
R. Walker, Smith's work	8	15	3			
W. Mansell, Bricklayer	6	–	–			
Westminster Fire Office, Fire Insurance for seven years	3	17	8			
Men's Wages, repairing Roadway	32	14	2			
Ditto - - ditto Platform	8	2	9			
Sundry small payments	2	14	8			
				90	19	3
By Road Charges.—G. Smeed, Dug Flints	187	12	6			
G. Udall, Cartage and Horse Hire	108	17	7			
S. Jeffreys and others, Digging Gravel	20	17	6			
Men's Wages, Repairing and Watering Roads	160	2	7			
G. Eustace, Repairing Water Carts	6	3	–			
Sundry small payments	9	18	11			
Brentford Gas Company	125	–	–			
Southwark and Vauxhall Water Company	80	–	–			
West Middlesex Water Company	16	–	–			
	714	12	1			
Deduct—Brentford Gas Company, for their Main upon Bridge 25 – –						
„ South Western Railway Company, Repair of Road over Barnes Common Railway Bridge 10 – –						
„ For Old Water Cart 7 – –						
„ „ Sand sold from the Company's Pit 5 19 1						
	47	19	1			
				666	13	–
By Pier Charges.—Men's Wages, attending at Pier, and Repairs	–	–	–	25	6	1
„ Rates and Taxes.—Barnes Parish	74	2	6			
Hammersmith Parish	144	5	10			
Income Tax on Profits, to Lady Day 1865 61 7 3						
Ditto - on Secretary's Salary - ditto 3 15 –						
	65	2	3			
				283	10	7
By Ditto Contribution for restoring the Parish Church of St. Paul's, Hammersmith	–	–	–	10	10	–
„ Charges of Management.—Committee	150	–	–			
Auditors	4	4	–			
Secretary, 150 *l.*; Tollmen, 148 *l.* 8 *s.*	298	8	–			
„ Office Disbursements.—Printing, Stationery, Coach Hire, Stamps, Postages, Repairs, Coals, and Water Rate	56	8	2			
Margetson & Co., Carpet for Board Room	15	1	10			
				524	2	–
„ Reserve Fund.—Annual Appropriation	50	–	–			
Balance of Rents received to the 30th April 1865	90	5	11			
				140	5	11
By Dividend Account.—30 *s.* per Share on 1,578 Shares				2,367	–	–
„ London Joint Stock Bank.—Deposit Account				1,000	–	–
„ Cocks, Biddulph & Co., Treasurers.—In hand				233	10	5
„ G. Glasson, Secretary.—In hand				75	–	–
TOTAL £.				5,416	17	3

Appendix, No. 8.

PAPERS handed in by Mr. *Jeffery*, 29 May 1865.

ABSTRACT of the Proceedings of the Adjourned General Assembly of the VAUXHALL BRIDGE COMPANY, held at the "London Tavern," on Thursday, 3 November 1859.

Rev. THOMAS HILL in the Chair.

THE Committee reported that the Tolls for the half year ending October last amounted to 4,675*l.* 4*s.* 9*d.*, showing a decrease of 258*l.* 10*s.*, as compared with the receipts in the corresponding period of the previous year. That the Company held Exchequer Bills for 2,000*l.*; that the Unclaimed Dividends amounted to 273*l.* 8*s.*, and the Reserve Fund to 3,971*l.* 1*s.* 10*d.*

The Committee also recommended that a dividend of 12*s.* per share be declared payable on the 1st of December 1859.

An ACCOUNT CURRENT was presented to the Meeting, of which the following is an Abstract, viz.:—

The Vauxhall Bridge Company in Account Current with the Proprietors.

Dr. *Cr.*

	£.	s.	d.		£.	s.	d.	£.	s.	d.
To Balance from the former account	1,613	15	4	By Three per Cent. Consols purchased -			-	199	12	9
„ Tolls from the 25th April to 24th October 1859 - - -	4,675	4	9	„ Interest on Mr. Wright's Promissory Notes, half a year -			-	171	7	1
„ To Rents and Dividends received this half-year - - -	199	12	9	„ Wages to Collectors, &c. - -	238	10	10			
„ To Interest on Exchequer Bills -	44	11	1	„ Wages to Labourers - -	48	15	6	287	6	4
				By Bridge Expenses, Taxes, &c.:—						
				„ Rates and Taxes - - -	41	13	4			
				„ Lighting the Bridge and Roads	36	5	10			
				„ Watering - - - -	45	13	–			
				„ Repairing - - - -	99	17	1			
				„ Coals and Candles for Toll Houses and Office - -	5	18	–			
				„ Printing and Stationery - -	16	10	8			
				„ Committee - - - -	210	–	–			
				„ Salary to Clerk - - -	150	–	–			
				„ Law Charges - - - -	2	17	6	608	15	5
				By Incidental Expenses - - -			-	3	13	3
				„ Dividends paid the Proprietors -			-	3,038	6	–
				„ Balance of Cash in hand - - -			-	2,224	3	1
£.	6,533	3	11				£.	6,533	3	11

Examined.

(signed) *James Humphrys*, *John Williams*, } Auditors.

The Meeting then appointed George Nelson and John Cracknell to be Collectors of Tolls,—agreed to a dividend of 12*s.* per share, and, after passing a vote of thanks to the Chairman, adjourned.

Thomas Jeffery, Clerk.

App. No. 8.

ABSTRACT of the Proceedings of the Annual General Assembly of the VAUXHALL BRIDGE COMPANY, held at the "London Tavern," Bishopsgate-street, on Thursday, 3 May 1860.

Rev. Mr. HILL in the Chair.

THE Committee reported that the Exchequer Bills in the bankers' hands amounted to 2,000 *l.*

The Unpaid Dividends to 396 *l.* 9 *s.*

The Reserved Fund to 4,185 *l.* 11 *s.* 9 *d.*

That the bridge and road tolls taken in the last six months had amounted to 4,291 *l.* 16 *s.* 9 *d.*; and that for the same period last year the sum taken was 3,827 *l.* 0 *s.* 10 *d.*, showing an increase of 464 *l.* 15 *s.* 11 *d.*

Also that Messrs. Roberts, Williams, and Hill would go out of office by rotation.

The Committee recommended that a dividend of 11 *s.* per share be declared, payable on the 1st of June 1860.

An ACCOUNT CURRENT was presented to the Meeting, of which the following is an Abstract, viz.:

The Vauxhall Bridge Company in Account Current with the Proprietors.

Dr.	£.	*s.*	*d.*	*Cr.*	£.	*s.*	*d.*
To Balance from the former Account - - -	2,224	3	1	By Interest on Promissory Notes - - - -	165	10	5
„ Tolls from the 25th October to 24th April 1860 -	4,291	16	9	„ Three per Cent. Consols purchased - - -	203	4	3
„ Rents and Dividends -	205	14	4	„ Wages to Collectors, &c. -	294	13	6
				„ Bridge Expenses, Taxes, &c. - - - -	833	5	3
				„ Incidental Expenses -	4	12	10
				„ Dividends paid the Proprietors - - -	3,236	19	–
				„ Balance of Cash in hand -	1,983	8	10
£.	6,721	14	1	£.	6,721	14	1

Examined.

(signed) *James Humphrys,* *John Williams,* } Auditors.

The Meeting then received the Report of the Committee, filled up vacancies on the Committee, declared a dividend of 11 *s.* per share, payable on the 1st of June, 1860, and, after passing a vote of thanks to the Chairman, adjourned to Thursday, the 1st of November next.

Thomas Jeffery, Clerk.

App. No. 8.

ABSTRACT of the Proceedings of the Annual General Assembly of the VAUXHALL BRIDGE COMPANY, held at the "London Tavern," Bishopsgate-street, on Thursday, 5 May 1864.

CHARLES QUEADE, Esq. in the Chair.

THE Committee reported that the Exchequer Bills in the bankers' hands amounted to 2,000 *l.*

The Unpaid Dividends to 315 *l.* 9 *s.*

The Reserved Fund to 6.292 *l.* 2 *s.* 5 *d.*

That the bridge tolls taken in the last six months had amounted to 4,779 *l.* 14 *s.* 2 *d.*; and that for the same period last year the sum taken was 4,807 *l.* 11 *s.* 1 *d.* showing a decrease of 27 *l.* 16 *s.* 11 *d.*

Also, that Messrs. Smyth, Prendergast, and Dolan would go out of office by rotation.

The Committee recommended that a dividend of 13 *s.* per share on 5,600 shares be declared payable on the 1st of June 1864. Total 3,640 *l.*

AN ACCOUNT CURRENT was presented to the Meeting, of which the following is an Abstract, viz.:

The Vauxhall Bridge Company in Account Current with the Proprietors.

Dr.	£.	s.	d.	*Cr.*	£.	s.	d.
To Balance from former Account	2,610	–	5	By Interest on Promissory Notes	169	17	11
„ Tolls from 25th October to 24th April 1864 - -	4,779	14	2	„ Three per Cent. Consols purchased - - - -	233	10	9
„ Rents and Dividends - -	233	10	9	„ Wages to Collectors, &c. -	314	12	–
„ Interest on Exchange Bills -	26	14	–	„ Bridge Expenses, Taxes, &c.	902	11	3
				„ Incidental Expenses - -	5	9	5
				„ Dividends paid the Proprietors	4,026	14	–
				„ Balance of Cash in hand -	1,997	4	–
£.	7,649	19	4	£.	7,649	19	4

Examined.

(signed) *John Williams,* *Edwin Booth.* } Auditors.

The Meeting then received the Report of the Committee, filled up vacancies on the Committee, declared a dividend of 13 *s.* per share, payable on the 1st of June 1864, and, after passing a vote of thanks to the Chairman, adjourned to Thursday, the 3d of November next.

Thomas Jeffery, Clerk.

ABSTRACT of the Proceedings of the Adjourned General Assembly of the VAUXHALL BRIDGE COMPANY, held at the "London Tavern," on Thursday, 3 November 1864.

CHARLES QUEADE, Esq., in the Chair.

THE Committee reported that the Tolls for the half-year ending October last, amounted to 5,694*l.* 0*s.* 10*d.*, showing an increase of 341*l.* 15*s.* 5*d.*, as compared with the Receipts in the corresponding period of the previous year. That the Company held Exchequer Bills for 2,000*l.*; that the Unclaimed Dividends amounted to 308*l.* 16*s.*, and the Reserve Fund to 6,558*l.* 8*s.* 1*d.*

The Committee recommended a dividend of 15*s.* per share, payable on the 1st of December 1864.

An ACCOUNT CURRENT was presented to the Meeting, of which the following is an Abstract, viz.:—

The Vauxhall Bridge Company in Account Current with the Proprietors.

Dr. *Cr.*

	£.	s.	d.		£.	s.	d.	£.	s.	d.
To Balance brought forward from preceding Account	1,997	4	–	By Interest on 7,000*l.* Promissory Notes, half-year				169	17	11
„ Tolls from 25th April to 24th October 1864	5,694	–	10	„ Three per Cent. Consols purchased (Reserved Fund)				238	5	5
„ Rents and Dividends received this half-year	238	5	5	„ Charges, viz.:—						
				Wages, Collectors	263	18	–			
				„ Labourers	52	9	–			
								316	7	–
„ Interest on Exchequer Bills	29	3	5	„ Bridge Expenses, viz.:—						
				„ Rates and Taxes	207	14	2			
				„ Lighting the Bridge and Roads	37	2	4			
				„ Watering „ „	—					
				„ Repairs to „ „	107	2	1			
				„ Coal and Candles for Toll-houses and Offices	7	3	–			
				„ Printing and Stationery	15	6	6			
				„ Committee	210	–	–			
				„ Salary to the Clerk	175	–	–			
								759	8	1
				„ Incidentals for Petty Expenses				5	10	11
				„ Dividends paid the Proprietors				3,646	13	–
				„ Balance of Cash at the Banker's	2,821	13	1			
				„ „ „ in Clerk's hand	–	18	3			
								2,822	11	4
£.	7,958	13	8	£.				7,958	13	8

Number of Shares in the Bridge 5,600.

Examined.

3 November 1864. (signed) *John Williams,* *Edwin Booth,* } Auditors.

The Meeting agreed to a dividend of 15*s.* per share; elected Robert A. Gray, Esq., a member of the Board of Directions: also John Atkins as one of the Collectors of Toll, and, after passing a vote of thanks to the Chairman, adjourned.

Thomas Jeffery, Clerk.

App. No. 8.

VAUXHALL BRIDGE, OPENED 1816.

Total cost, including roads and approaches - - £. 296,998. 7. 4.

Width of roadway, 24 feet; footpaths, 12 feet. Total, 36 feet.

Length from gate to gate, 976 feet 6 inches.

Acclivity 1 in 35. Nine arches.

Number of shares, 5,600. Nominal value, $\frac{100}{50}$ $\frac{28}{14}$ £. 64 average.

Years.	Total.			Expenses.			
	£.	s.	d.	£.	s.	d.	
1846 - -	Tolls 11,577	9	2				
1847 - -	„ 13,956	14	2				
1848 - -	„ 11,887	5	6				
1849 - -	„ 8,929	15	1				
1850 - -	„ 8,350	–	2				
1851 - -	„ 9,154	3	11				
1852 - -	„ 11,633	3	5				
1853 - -	„ 10,132	7	6				
1854 - -	„ 10,953	9	9				
1855 - -	„ 11,210	4	7				
1856 - -	„ 10,610	5	3	2,716	19	6	
1857 - -	„ 11,023	5	10	3,692	12	9	Chelsea Suspension Bridge opened 29th March 1858.
1858 - -	„ 10,800	–	5	2,439	15	5	Tolls reduced one-half in amount, 30th June 1858.
1859 - -	„ 8,760	15	7	1,899	15	6	
1860 - -	„ 8,967	1	6	2,588	16	2	
1861 - -	„ 8,556	7	7	2,833	12	4	
1862 - -	„ 10,237	11	–	2,474	17	11	Lambeth Suspension Bridge opened 17th November, 1862.
1863 - -	„ 11,164	10	4	2,494	12	1	
1864 - -	„ 10,131	19	7	2,364	1	4	
1865 - -	„ 10,895	2	8	2,320	16	1	

	£.	s.	d.	
1860, Dividends paid the proprietors - - -	1	4	–	per share
1861, „ „ „ - - -	1	4	–	„
1862, „ „ „ - - -	1	10	–	„
1863, „ „ „ - - -	1	7	–	„
1864, „ „ „ - - -	1	8	–	„

Toll on each foot passenger every time of passing, $-\frac{1}{2}$ *d.*
Toll on each horse drawing „ „ 1 *d.*
Toll on each saddle horse „ „ 2 *d.*

The tolls from foot passengers and from horses are nearly equal in amount.

Promissory notes unpaid 7,000 *l.*

Appendix, No. 9.

PAPER handed in by Mr. *Chasemore*, 29 May 1865. App. No. 9.

THE FULHAM BRIDGE COMPANY.

Amount of Capital 30,000 *l.*

The Bridge was first opened for traffic in the year 1728.

The Tolls of the Bridge are as follows:—

	s.	*d.*
Waggons or coaches with four horses	1	6
Coaches and pair	1	–
Carts with three horses	1	–
„ two „	–	9
„ one „	–	6
Single horse	–	2
Foot passengers on Sundays	–	1
„ „ week days	–	–½

	£.	*s.*	*d.*
The revenue for the year 1864, from Christmas 1863, by tolls, are	3,963	13	5
The credit account	1,512	13	5
Leaves £.	2,451	–	–

But the amount set apart for dividends in that year £. 1,800

	£.	*s.*	*d.*
Average repairs and maintenance	314	2	11
„ taxes	538	15	5
„ salaries	336	11	2
„ insurance	12	12	6
„ annuity allowed to watermen	62	–	–
„ petty cash expenditure	452	6	10
Average annual expenditure £.	1,716	8	10

	£.	*s.*	*d.*
The receipts for 1856 were	3,280	8	3
„ 1860 „	3,723	16	7
„ 1864 „	3,963	13	5

Appendix No. 10.

PAPERS handed in by Mr. *Austin*, 1 June 1865.

Chelsea Bridge and Embankment.

Receipts:	£. s. d.	Payments:	£. s. d.
Loans from Exchequer Bill Loan Commissioners	80,000 – –	Construction and strengthening of Bridge	105,652 13 7
Grants of Parliament	160,253 – –	Construction of Embankment	123,617 6 –
Profit on Exchequer Bills	3,869 5 4	Surrenders made to Her Majesty's Exchequer	33,103 14 10
Sale of Lands	28,975 6 10	Repayments to Public Works Loan Commissioners, viz.:—	
Contributions	8,124 – –	On account of Principal of Loan	11,000 – –
Sale of Building Materials	1,356 19 4	On account of Interest on Loans	7,964 18 7
£.	282,578 11 6	£.	281,338 13 –

Chelsea Bridge and Embankment.

	£. s. d.		£. s. d.
13 Dec. 1847. First Loan from Public Works Loan Commissioners	20,000 – –	Repaid Public Works Loan Commissioners:—	
		1863-64, on account of Principal £. 11,000	
24 Mar. 1851. Second Loan from ditto (1st advance)	7,500 – –	1864-65, ditto - ditto 2,500	13,500 – –
13 Sept. 1852. Second Loan from ditto (2d advance)	7,500 – –	Interest paid to Public Works Loan Commissioners	13,385 15 –
			26,885 15 –
13 Aug. 1853. Second Loan from ditto (3d advance)	45,000 – –	Balance due to Public Works Loan Commissioners:—	
	80,000 – –	On account of Principal £. 66,500 –	
Interest at 4 per cent. accrued, due on the above loans to 31st March 1865	40,890 8 –	On account of Interest to 31st March 1865 - 27,504 13	94,004 13 –
£.	120,890 8 –	£.	120,890 8 –

9 & 10 Vict. c. 39, sec. 67.

For every foot passenger - One Halfpenny.
For every description of vehicle drawn by one horse or other beast of draught - Twopence.
For each and every additional horse or other beast drawing - One Penny.
For every horse, mule, or ass not drawing - One Penny.
For every wheelbarrow or truck not drawn by any horse or other beast - One Penny.
For every score of calves, sheep, or lambs, and so in proportion for any greater or less number Fourpence.
For every score of oxen or neat cattle, and so in proportion for any greater or less number - Eightpence.

Hackney coaches and licensed cabs without passengers, waggons, carts, and drays unladen, with two or more horses, to pass over the bridge upon payment of half the above toll. And all post chaises returning without passengers, and return post horses, to pass over the bridge free.

App. No. 10.

AMOUNT OF TOLLS RECEIVED.

	£.	s.	d.
For the year ended 31 March 1859 - - - - - - - - -	4,752	17	–
„ „ 31 March 1860 - - - - - - - - -	4,398	–	9
„ „ 31 March 1861 - - - - - - - - -	3,938	16	1
„ „ 31 March 1862 - - - - - - - - -	2,779	7	11
„ „ 31 March 1863 - - - - - - - - -	4,031	11	4
„ „ 31 March 1864 - - - - - - - - -	3,681	16	3
„ „ 31 March 1865, approximate amount - - - -	4,375	15	–

Year.	£.	s.	d.	£.	s.	d.
31 March 1863.—Carriage traffic - - - - -	1,973	6	2½			
Foot passengers - - - - -	2,058	5	1½			
				4,031	11	4
31 March 1864.—Carriage traffic - - - - -	1,687	9	–			
Foot passengers - - - - -	1,994	7	3			
				3,681	16	3

Details of Outgoings.

	Cost of Collection.			Gas.			Watering and Cleaning.			Police.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Year ended 31 March 1859 - -	528	17	3	55	17	6	14	18	–	54	9	7
„ 31 March 1860 - -	527	11	8	295	7	3	26	5	–	288	4	6
„ 31 March 1861 - -	502	9	1	173	1	4	20	–	–	143	17	–
„ 31 March 1862 - -	500	4	8	208	1	3	108	4	–	191	12	6
„ 31 March 1863 - -	498	3	2	235	18	2	128	18	–	288	6	1
„ 31 March 1864 - -	492	3	1	202	2	5	129	4	–	216	8	–

Repairs and Maintenance.

	£.	s.	d.
Year ended 31 March 1859 - - - - -	138	5	11
„ 31 March 1860 - - - - -	55	10	2
„ 31 March 1861 - - - - -	1,221	3	6
„ 31 March 1862 - - - - -	803	12	7
„ 31 March 1863 - - - - -	2,503	1	5
„ 31 March 1864 - - - - -	4,746	17	8
Total - - - £.	9,468	11	3

Average - - - - £. 1,578. 1. 10½.

The Bridge was not open for traffic in 1856.

The Amount received from tolls in 1860, 31st March 1860 to 31st March 1861 - - - - - - - - - £. 3,938. 16. 1.

The amount received from tolls, 31st March 1863 to 31st March 1864 - - - - - - - - - - £. 3,681. 16. 3.

The Numbers using the Bridge in the year ended 31st March 1864:

Foot passengers - - - - - - - - - -	957,294.
Horses and vehicles of various kinds - - - - -	198,533.

Appendix, No. 11.

PAPER delivered in by Mr. *Whately*, 1 June 1865.

App. No. 11.

SOUTH-EASTERN RAILWAY.

STATEMENT of Number and Amount of RECEIPTS for FOOT PASSENGERS at HUNGERFORD BRIDGE, from 1st September 1864 to 30th April 1865.

No.	Amount.
1,294,246 at ½ *d.* per Passenger - - - - -	£. 2,696. 6. 11.
Average Amount per day - - - - -	£. 11. 2. 10.
Average Number per day - - -	5,348.

Appendix No. 12.

PAPER handed in by Mr. *Drew*, 1 June 1865.

To the Directors of the Deptford Creek Bridge Company. App. No. 12.

REPORT of the Committee appointed on the subject of the Proposal by the Greenwich District Board to throw open the Bridge to the Public.

YOUR Committee report, that being of opinion the basis of any negotiation for throwing open the bridge should be the payment of a principal sum as compensation, in order to arrive at the amount of that compensation, obtained a return of the expenses incurred in the management of the Company during the seven years ending May 1862, and this return is appended to their report.

It will be seen from this return, that the average amount of the total expenses of the Company during those seven years is 667 *l.*

Of this sum a portion is undoubtedly incurred in the management of the property of the Company other than the bridge, your Committee think that 201 *l.* would be a proper sum to be charged to the property account, leaving 466 *l.* as the amount of the expenses incurred in the management of the bridge.

	£. s. d.
The income of the bridge, as guaranteed by Act of Parliament, and payable by the South Eastern Railway Company, is - - - - - - - - - - -	2,325 – –
Deduct for expenses - - - - - - -	466 – –
There is left a clear Annual Income of - - £.	1,859 – –

And as this income is well secured, your Committee are of opinion, and recommend that the Greenwich Board of Works should be informed the Company will require as compensation for throwing open the bridge, such an amount of Bank Three Per Cent. Consolidated Annuities as will produce the sum of 1,860 *l.* a year.

Such an arrangement cannot be carried out without the authority of an Act of Parliament, and your Committee are further of opinion, that the expenses which the Company will incur in the matter of such an Act of Parliament should be paid to the Company, in addition to the compensation.

6 May 1863. (signed) *B. Drew.*

YEAR.	Wages.	Repairs of Bridge.	Repairs of Roads.	Lighting.	Rates, &c.	Directors' Allowance.	Staff.	Tradesmen's Bills.	Other Expenses.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
55–56 -	60 10 5	51 5 7	82 10 –	15 – –	67 3 9	150 – –	96 6 –	25 12 10	51 9 6	599 18 1
56–57 -	61 10 –	59 9 2	34 2 3	52 10 –	69 12 6	150 – –	101 16 10	20 19 8	52 – –	602 – 5
57–58 -	62 5 –	47 15 9	121 2 2	- -	74 15 8	150 – –	77 13 –	17 3 2	39 5 –	589 19 9
58–59 -	61 4 6	11 2 6	251 17 –	- -	88 8 4	150 – –	88 4 6	26 7 3	47 15 3	724 19 4
59–60 -	60 16 6	168 15 10	83 17 8	60 – –	38 17 8½	150 – –	53 10 –	13 17 10	38 7 3	668 2 9
60–61 -	59 18 –	51 16 2	123 17 6	176 18 –	93 16 8	300 – –	156 17 5	28 17 1	43 12 3	1,035 13 1
61–62 -	63 12 6	48 7 7	- -	30 – –	115 6 4	- -	90 15 5	29 9 3	75 4 –	452 15 1
£.	429 16 11	438 12 7	697 6 7	334 8 –	548 8 11½	1,050 – –	665 3 2	162 7 1	347 13 3	4,673 8 6

(signed) *George H. Drew,*
Clerk to the Company.

Appendix No. 13.

PAPER handed in by Mr. *Scott*, 1 June 1865.

LONDON BRIDGE APPROACHES FUND.

AN ACCOUNT of the London Bridge Approaches Fund, for the Three Years next before the Transfer thereof to the Thames Embankment Fund, and of all the Charges thereon at the Time of such Transfer.

RECEIPTS.

	Year ending 5 January 1859.			Year ending 5 January 1860.			From 5 January 1860 to 22 July 1861, the Period of Closing the Fund, under Act 24 & 25 Vict. c. 42.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Duty of 8*d.* per ton on coals	145,703	13	4	146,521	2	–	253,509	8	8
Duty on wine	4,708	11	–	6,552	–	2	14,617	8	11
Charge on the revenues of the Corporation	11,500	–	–	11,500	–	–	17,250	–	–
Duty on the admission to the freedom of London	271	–	–	137	15	–	197	10	–
Duty on the binding of apprentices	34	2	6	50	2	6	90	15	–
Profits of aqueducts	174	16	3	173	11	11	260	16	–
Totals £.	162,392	3	1	164,934	11	7	285,925	18	7

PAYMENTS.

Drawback on coal duty	14,052	18	–	11,152	14	–	21,941	16	9
Charges and expenses of management	2,040	7	9	1,985	1	6	3,711	10	10
Interest on loan of 88,000 *l.* authorised to be raised for improvements in Clerkenwell.	3,080	–	–	3,080	–	–	3,995	6	9
Interest on the sum of 176,000 *l.* charged upon the fund by Her Majesty's Commissioners of Woods and Forests.	7,040	–	–	1,934	11	–	—		
Amount paid into the Bank of England to the credit of Her Majesty's Commissioners of Works, in liquidation of charges authorised to be made by the said Commissioners on this fund.	136,178	17	4	146,782	5	1	30,284	6	2
Amount paid in discharge of loan of 88,000 *l.* (Clerkenwell Improvement).	-		-	-		-	88,000	–	–
Amount paid into Bank of England to the credit of the Lords Commissioners of Her Majesty's Treasury, to the account of the "Thames Embankment and Metropolis Improvement Fund," pursuant to provisions of Act 24 & 25 Vict., subject to any charge which the Metropolitan Board of Works may have been authorised by Parliament to make.	-		-	-			137,992	18	1
Totals £.	162,392	3	1	164,934	11	7	285,925	18	7

CHARGES AT THE TIME OF TRANSFER.

The only charge upon the London Bridge Approaches Fund at the date of the transfer of that fund to the Thames Embankment Fund was the sum authorised by Parliament to be charged by the Metropolitan Board of Works for the purpose of the opening of an improved line of communication between Coventry-street and Covent Garden.

Chamber of London, 31 May 1865.

Benjamin Scott, Chamberlain.

Appendix No. 14.

PAPERS handed in by Mr. *Tillcock*, 1 June 1865.

LONDON BRIDGE.

Memo.—Of the vehicles crossing London Bridge one-half for Borough traffic; rather more than one-quarter London Bridge Railway traffic; and the remainder, viz., nearly a quarter, Tooley-street traffic.

The traffic to the Borough is one-half heavy; to the Railway one-twelfth heavy, and to Tooley-street four-fifths heavy.

TRAFFIC over LONDON BRIDGE during the Twenty-four Hours ending at Midnight, on Friday, the 19th May 1865.

Hour ending at	VEHICLES.						PASSENGERS.		
	Cabs.	Omnibuses.	Waggons, Carts, &c.	Other Vehicles.	Horses Led or Ridden.	Total.	In Vehicles.	On Foot.	Total.
1 a.m. -	182	8	13	8	–	211	437	580	1,017
2 „ -	79	-	10	-	–	89	146	204	350
3 „ -	34	-	1	2	–	37	63	75	138
4 „ -	8	-	6	-	3	17	19	86	105
5 „ -	42	-	32	4	–	78	181	531	712
6 „ -	43	1	178	48	8	278	505	2,331	2,836
7 „ -	67	-	425	106	3	601	1,008	3,519	4,527
8 „ -	75	7	675	121	18	896	1,459	3,732	5,191
9 „ -	182	157	750	118	7	1,214	3,502	8,304	11,806
10 „ -	221	311	729	220	7	1,488	5,035	8,808	13,843
11 „ -	338	303	715	325	5	1,686	4,693	6,849	11,542
12 noon -	299	249	839	213	9	1,609	4,043	5,582	9,625
1 p.m. -	307	297	880	253	–	1,737	4,333	4,850	9,183
2 „ -	257	207	740	175	3	1,382	3,319	4,235	7,554
3 „ -	306	251	771	211	6	1,545	3,927	3,752	7,679
4 „ -	340	257	808	218	14	1,637	4,182	4,818	9,000
5 „ -	388	294	915	198	8	1,803	4,991	6,439	11,430
6 „ -	353	303	822	176	3	1,657	5,263	6,889	12,152
7 „ -	333	275	679	155	11	1,453	4,714	7,503	12,217
8 „ -	270	275	471	108	7	1,131	4,076	7,774	11,850
9 „ -	239	244	278	122	6	889	3,549	5,882	9,431
10 „ -	233	220	173	69	4	699	3,029	3,824	6,853
11 „ -	191	158	74	49	1	473	2,064	1,808	3,872
12 midnight	208	67	29	25	–	329	1,218	861	2,079
Total -	4,995	3,884	11,013	2,924	123	22,939	65,756	99,236	164,992

Mem.—Friday was a fine day.

James Frazer, Colonel,
Commissioner of Police.

LONDON BRIDGE.

TRAFFIC over LONDON BRIDGE during the Twenty-four Hours ending at Midnight, on Tuesday, the 23d May 1865.

Hour ending at	VEHICLES.						PASSENGERS.		
	Cabs.	Omnibuses.	Waggons, Carts, &c.	Other Vehicles.	Horses Led or Ridden.	TOTAL.	In Vehicles.	On Foot.	TOTAL.
1 a.m.	196	9	15	4	1	225	515	707	1,222
2 „	104	-	3	4	4	115	224	272	496
3 „	41	-	5	-	-	46	63	115	178
4 „	10	-	21	-	29	60	42	129	171
5 „	44	-	46	7	3	100	191	458	649
6 „	58	1	167	40	6	272	536	2,164	2,700
7 „	80	-	455	95	11	641	1,075	2,536	3,611
8 „	70	7	670	169	13	929	1,579	4,640	6,219
9 „	89	148	840	167	3	1,247	3,603	8,492	12,095
10 „	331	362	961	337	12	2,003	6,865	9,274	16,139
11 „	360	265	816	232	6	1,679	5,150	6,535	11,685
12 noon	381	252	837	231	10	1,711	4,880	5,090	9,970
1 p.m.	286	277	881	185	7	1,636	4,548	4,823	9,371
2 „	289	239	721	170	13	1,432	3,673	4,227	7,900
3 „	301	241	704	176	9	1,431	3,826	3,974	7,800
4 „	338	271	782	156	10	1,557	4,342	3,959	8,301
5 „	760	326	656	119	7	1,868	5,683	1,772	7,455
6 „	537	296	796	154	15	1,798	5,947	7,638	13,585
7 „	388	279	683	100	13	1,463	5,345	6,798	12,143
8 „	317	286	486	86	4	1,179	4,662	7,322	11,984
9 „	306	266	288	51	1	912	3,790	5,422	9,212
10 „	342	238	128	44	2	754	3,038	2,231	5,269
11 „	278	153	71	25	4	531	1,920	1,630	3,550
12 midnight	221	65	18	12	-	316	1,062	872	1,934
TOTAL	6,127	3,981	11,050	2,564	183	23,905	72,559	91,080	163,639

Mem.—Tuesday morning was fine, but it rained heavily between the hours of 4 and 5 p.m.

James Frazer, Colonel,
Commissioner of Police.

Appendix, No. 15.

PAPER handed in by Mr. *Horne*, 1 June 1865.

THE Surviving Executor of *Lewis Levy*, in Account with the Mortgagees of Staines Bridge, to the 26th day of December 1863.

Dr. *Cr.*

	£.	s.	d.		£.	s.	d.
Balance left on last Account - - -	15	5	2	Thirty-third Dividend of £.1 1*s.* per cent. -	845	5	–
Amount of Tolls collected:				Property Tax - - - - - -	30	3	9
				Quit Rent - - - - - -	2	8	–
To 28th March - 1863 - - -	196	4	–	Land Tax to March 1863 - - - -	3	–	–
				Ditto September 1863 - - -	3	–	–
To 27th June - „ - - -	272	18	–	Gas to Christmas 1863, one year - -	10	16	–
				Solicitor's Charges, one year - - -	20	–	–
To 26th September „ - - -	260	15	–	Repairs and Winding Clock - - -	1	1	–
				Printing Circulars, Tickets, Postage, &c. -	5	5	–
To 26th December „ - - -	213	13	–	Expenses and Bankers' Charges sending up Collections - - - - - -	2	12	–
				Assistant Collectors during Races - -	1	1	–
				Cheque Book - - - - - -	–	6	–
				Balance in hand to be carried forward to next Account - - - - - -	33	17	5
TOTAL - - - £.	958	15	2	TOTAL - - - £.	958	15	2

THE Surviving Executor of *Lewis Levy*, in Account with the Mortgagees of Staines Bridge, to the 31st day of December 1864.

Dr. *Cr.*

	£.	s.	d.		£.	s.	d.
Balance left on last Account - - -	33	17	5	Thirty-fourth Dividend of £.1 4*s.* per cent.	966	–	–
Amount of Tolls collected:				Property Tax - - - - - -	23	16	–
				Quit Rent - - - - - -	2	8	–
				Land Tax to March 1864 - - - -	3	–	–
To 26th March - 1864 - - -	191	13	–	Ditto September 1864 - - -	3	–	–
				Gas to Christmas 1864, one year - -	10	16	–
To 25th June - „ - - -	288	4	–	Solicitor's Charges, one year - - -	20	–	–
				Repairs and Winding Clock - - -	1	1	–
To 24th September „ - - -	284	12	–	Printing Circulars, Tickets, Postage, &c. -	5	5	–
				Expenses and Bankers' Charges sending up Collections - - - - - -	2	12	–
To 31st December „ - - -	244	15	–	Cheque Book - - - - - -	–	6	–
				Balance in hand to be carried forward to next Account - - - - - -	4	17	5
TOTAL - - - £.	1,043	1	5	TOTAL - - - £.	1,043	1	5

Appendix, No. 16.

App. No. 16.

PAPER handed in by Mr. *William Baker*, 1 June 1865.

COMMERCIAL ROAD TRUST.

	Estimated Surplus.	Interest Saved, Added.	Total Stock to be Redeemed.
	£.	£.	£.
January 1866 - -	7,200	370	7,570
„ 1867 - -	7,200	748	7,948
„ 1868 - -	7,200	1,145	8,345
„ 1869 - -	7,200	1,562	8,762
„ 1870 - -	7,200	2,000	9,200
„ 1871 - -	7,200	2,460	9,660
		TOTAL - - - £.	51,485

Present Amount of Debt - - - - £. 50,555. 17 *s.* 11 *d.*

Appendix, No. 17.

PAPERS handed in by Mr. *Edward George Mayne*, 15 June 1865.

WESTMINSTER BRIDGE.

RETURN of the NUMBER of PERSONS who Passed over WESTMINSTER BRIDGE between the Hours of 6 A.M. 10th and 6 A.M. 11th June 1865.

From	To	North Footway.	South Footway.	TOTAL.	From	To	North Footway.	South Footway.	TOTAL.
6 a.m.	7 a.m.	995	375	1,370	7 p.m.	8 p.m.	2,080	1,363	3,443
7 „	8 „	1,260	405	1,665	8 „	9 „	2,300	1,810	4,110
8 „	9 „	1,700	560	2,260	9 „	10 „	1,900	1,335	3,235
9 „	10 „	1,710	595	2,305	10 „	11 „	1,635	1,080	2,715
10 „	11 „	1,440	590	2,030	11 „	12 night	1,362	695	2,057
11 „	12 „	1,505	555	2,060	12 night	1 a.m.	835	370	1,205
12 noon	1 p.m.	1,625	720	2,345	1 a.m.	2 „	213	95	308
1 p.m.	2 „	1,835	910	2,745	2 „	3 „	72	14	86
2 „	3 „	1,800	798	2,598	3 „	4 „	55	22	77
3 „	4 „	1,515	795	2,310	4 „	5 „	64	20	84
4 „	5 „	1,680	830	2,510	5 „	6 „	109	55	164
5 „	6 „	1,790	805	2,595					
6 „	7 „	1,865	920	2,785		TOTALS	31,345	15,717	47,062

RETURN of the NUMBER of VEHICLES which Passed over WESTMINSTER BRIDGE between the Hours of 6 A.M. 10th and 6 A.M. 11th June 1865.

From	To	Omnibuses.	Cabs.	Light Traffic.	Heavy Traffic.	TOTALS.
6 a.m.	7 a.m.	-	65	157	138	360
7 „	8 „	-	74	215	126	415
8 „	9 „	6	86	230	134	456
9 „	10 „	33	156	345	160	694
10 „	11 „	37	382	395	225	1,039
11 „	12 noon	42	417	371	225	1,055
12 noon	1 p.m.	37	311	415	217	980
1 p.m.	2 „	36	306	377	218	937
2 „	3 „	35	340	390	288	1,053
3 „	4 „	38	375	400	210	1,023
4 „	5 „	39	376	340	197	952
5 „	6 „	41	300	280	129	750
6 „	7 „	39	293	305	76	713
7 „	8 „	39	245	268	49	601
8 „	9 „	35	235	214	28	512
9 „	10 „	37	176	124	8	345
10 „	11 „	28	175	87	9	299
11 „	12 night	24	230	65	13	332
12 night	1 a.m.	7	335	14	8	364
1 a.m.	2 „	-	121	-	-	121
2 „	3 „	-	45	-	-	45
3 „	4 „	-	12	-	-	12
4 „	5 „	-	17	-	-	17
5 „	6 „	-	36	8	-	44
	TOTALS	553	5,110	4,990	2,466	13,119

Metropolitan Police Office, 4, Whitehall-place, 14 June 1865.

W. Fisher, Serjeant, Executive Branch.

Appendix, No. 18.

PAPERS handed in by Mr. *Tillcock*, 15 June 1865.

BLACKFRIARS BRIDGE.

TRAFFIC over the BRIDGE during the Twenty-four Hours ending at Midnight on Friday the 9th June 1865.

Hour ending at	Vehicles.						Passengers.		
	Cabs.	Omnibuses.	Waggons, Carts, &c.	Other Vehicles.	Horses Led or Ridden.	Total.	In Vehicles.	On Foot.	Total.
1 a.m. -	110	5	4	4	4	127	322	476	798
2 a.m. -	82	- -	12	4	5	103	165	221	386
3 a.m. -	30	- -	26	2	10	68	93	146	239
4 a.m. -	8	- -	24	5	- -	37	50	147	197
5 a.m. -	14	- -	45	13	3	75	120	430	550
6 a.m. -	37	- -	237	25	8	307	507	2,082	2,589
7 a.m. -	44	- -	380	46	12	482	745	1,660	2,405
8 a.m. -	39	- -	300	56	13	408	592	1,795	2,387
9 a.m. -	40	39	577	120	13	789	1,697	4,367	6,064
10 a.m. -	113	60	503	117	7	800	2,023	3,140	5,163
11 a.m. -	177	57	545	125	17	921	1,979	2,379	4,358
12 noon -	159	50	582	109	18	918	2,051	1,949	4,000
1 p.m. -	145	58	491	103	21	818	1,899	1,070	3,869
2 p.m. -	130	47	442	76	11	706	1,619	2,722	4,341
3 p.m. -	185	50	423	52	13	723	1,682	1,709	3,391
4 p.m. -	176	49	463	79	3	770	1,655	1,614	3,269
5 p.m. -	237	58	497	108	16	916	2,099	1,528	3,627
6 p.m. -	241	54	472	98	41	906	2,143	2,596	4,739
7 p.m. -	188	60	457	93	40	838	2,327	3,563	5,890
8 p.m. -	146	66	310	78	9	609	2,006	3,704	5,710
9 p.m. -	120	52	171	48	13	404	1,394	5,096	6,490
10 p.m. -	104	57	189	19	11	380	1,406	2,995	4,401
11 p.m. -	113	55	62	29	5	264	935	1,631	2,566
12 midnight	97	27	34	5	- -	163	632	652	1,284
TOTAL -	2,735	844	7,246	1,414	293	12,532	30,141	48,572	78,713

James Frazer, Colonel,
Commissioner of Police.

Appendix, No. 19.

KEW BRIDGE.

RETURN of the Income and Outgoings for the Years 1863 and 1864.

1863:

	£. s. d.	£. s. d.
Gross Receipts for Tolls	- - -	2,777 15 1
Outgoings:		
Salaries and wages	251 1 –	
Lighting the roads	24 6 –	
Watering the roads	32 8 –	
Repairs of road, including repairs of the foundations of the piers of the bridge, by placing iron slag around them (an occasional expense only)	90 16 1	
Miscellaneous expenses	4 16 5	
		403 7 6
		2,374 7 7
Rent paid by the Brentford Gas Company for pipes laid by them across the bridge, per year		26 – –
Total Net Receipt £.		2,400 7 7

1864:

	£. s. d.	£. s. d.
Gross receipts for tolls	- - -	3,063 8 2
Outgoings:		
Salaries and wages	251 1 –	
Lighting the roads	24 6 –	
Watering the roads	32 8 –	
Repairs of road, and expenses of repainting and repairing all the posts and rails, and the toll and check houses, and of repairing the campshotting	107 8 11	
Miscellaneous	22 9 6	
		437 13 5
		2,625 14 9
Rent of the Brentford Gas Company		26 – –
Total Net Receipt £.		2,651 14 9

For self and Samuel Strong, Esq., trustees of the will of the late George Robinson, the late owner of the bridge,

Henry H. Mason.

18, Bedford-row, and Richmond.

App. No. 20.

Appendix, No. 20.

HAMMERSMITH BRIDGE.

STATEMENT of Tolls separating Foot Passengers from the Horse and Carriage Traffic for Fourteen Days, commencing 4th and ending 17th June 1865.

—		Foot Passengers, at ½ d. each.				Horse and Carriage Traffic.			Total.		
1865:		*No.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
June 4	Sunday - 12 A.M. to 12 P.M.	6,222	12	19	3	10	14	4½	23	13	7½
„ 5	Monday - „ „	6,085	12	13	6½	15	6	8	28	–	2½
„ 6	Tuesday - „ „	3,303	6	17	7½	13	3	7½	20	1	3
„ 7	Wednesday „ „	2,580	5	7	6	13	5	2	18	12	8
„ 8	Thursday - „ „	2,593	5	8	–½	13	18	8	19	6	8½
„ 9	Friday - „ „	2,237	4	13	2½	12	–	1½	16	13	4
„ 10	Saturday - „ „	3,810	7	18	9	14	1	3½	22	–	–½
„ 11	Sunday - „ „	5,072	10	11	4	11	2	10	21	14	2
„ 12	Monday - „ „	2,920	6	1	8	12	15	7½	18	17	3½
„ 13	Tuesday - „ „	2,347	4	17	9½	13	17	–	18	14	9½
„ 14	Wednesday „ „	2,200	4	11	8	13	16	7	18	8	3
„ 15	Thursday - „ „	2,046	4	5	3	12	9	5	16	14	8
„ 16	Friday - „ „	1,855	3	17	3½	12	10	7½	16	7	11
„ 17	Saturday - „ „	2,709	5	12	10½	15	16	7½	21	9	6
		45'979	95	15	9½	184	18	7½	280	14	5

Hammersmith Bridge, 26 June 1865.

George Glasson, Secretary.

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SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON THE

METROPOLITAN TOLL BRIDGES BILL

AND

CHELSEA BRIDGE TOLL ABOLITION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1865.

[*Price* 1 *s.* 6 *d.*]

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

OPEN SPACES (METROPOLIS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1865.

Martis, 21° *die Februarii*, 1865.

Ordered, THAT a Select Committee be appointed to inquire into the best means of preserving for the public use the Forests, Commons, and Open Spaces in and around the Metropolis.

Veneris, 3° *die Martii*, 1865.

Ordered, THAT the Select Committee do consist of 21 Members.

Committee nominated of—

Mr. Doulton.
Mr. Cowper.
Viscount Bury.
Sir H. Willoughby.
Mr. Locke King.
Mr. Du Cane.
Mr. Henry Baillie.
Sir John Shelley.
Mr. John Tollemache.
Mr. Kinnaird.
Mr. Bentinck.
Mr. Peacocke.
Mr. Hanbury.
Mr. Vance.
Mr. Locke.
Mr. Lyall.
Mr. Buxton.
Mr. Torrens.
Mr. Shaw Lefevre.
Mr. Alderman Rose.
Mr. Cox.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 3° *die Aprilis*, 1865.

Ordered, THAT the Committee have power to report their Observations and Opinion from time to time, together with the Minutes of Evidence taken before them, to The House.

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FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the best means of preserving for the public use the FORESTS, COMMONS, and OPEN SPACES in and around the METROPOLIS;——HAVE made Progress in the Matters to them referred, and have agreed to the following FIRST REPORT:—

YOUR COMMITTEE have to report that they have come to the following Resolutions:

That it is not expedient that the Wimbledon Common should be fenced round or inclosed, or that the existing Common Rights should be extinguished.

That it is not necessary, and would be undesirable, that any part of the Common should be sold.

That the 20 Hen. 3, c. 4, commonly called the Statute of Merton, by which a lord of the manor can inclose, without either the assent of the commoners or the sanction of Parliament, ought immediately to be repealed.

3 April 1865.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 15° *die Martii*, 1865.

MEMBERS PRESENT:

Lord Bury.	Sir John Shelley.
Sir H. Willoughby.	Mr. Baillie.
Mr. Barnes.	Mr. Vance.
Mr. Shaw Lefevre.	Mr. Locke.
Mr. Buxton.	Mr. Lyall.
Mr. Hanbury.	Mr. Kinnaird.
Mr. Peacocke.	Mr. Torrens.

A letter was read from Mr. *Doulton*, stating his inability to attend, from illness.

Mr. *Cowper* was called to the Chair.

The Committee deliberated.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 21° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Hanbury.	Mr. Shaw Lefevre.
Mr. Torrens.	Viscount Bury.
Mr. Locke King.	Mr. Rose.
Mr. J. Tollemache.	Mr. Baillie.
Mr. Lyall.	Mr. Buxton.
Mr. Cox.	Mr. Du Cane.
Mr. Locke.	Mr. Vance.
Mr. Kinnaird.	Sir Henry Willoughby.
Mr. Peacocke.	Sir John Shelley.
Mr. Cowper.	

Motion made, and Question, "That Mr. *Locke* do take the Chair"—(Mr. *Cowper*)—put, and agreed to.

Mr. *Locke* in the Chair.

The Committee deliberated.

Motion made, and Question put, "That Mondays and Thursdays be the sitting days of the Committee."—The Committee divided:

Ayes, 7.	Noes, 5.
Mr. Hanbury.	Mr. Torrens.
Mr. Locke King.	Mr. Lyall.
Mr. J. Tollemache.	Mr. Cox.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Cowper.	Viscount Bury.
Mr. Shaw Lefevre.	
Mr. Rose.	

Mr. *George Wingrove Cooke* called in, and examined.

The witness withdrew.

Motion made, and Question proposed, "That the extent of the inquiry shall be limited to twenty miles round London, according to the Ordnance Survey"—(Mr. *Cox*).—Amendment proposed, to leave out the word "twenty," and insert the words "twenty-two"—(Mr. *Locke*

Locke King)—instead thereof.—Question put, That the word "twenty" stand part of the Question.—The Committee divided:

Ayes, 7.	Noes, 8.
Mr. Cowper.	Mr. Locke King.
Viscount Bury.	Mr. Kinnaird.
Mr. Du Cane.	Mr. Hanbury.
Mr. Baillie	Mr. Buxton.
Mr. J. Tollemache.	Mr. Torrens.
Mr. Peacocke.	Mr. Shaw Lefevre.
Mr. Lyall.	Mr. Rose.
	Mr. Cox.

Words inserted.—Main Question, as amended, put, and agreed to.

Mr. *George Wingrove Cooke* called in, and further examined:

Mr. *George Ridley*, examined.

Maps of the country, 22 miles round London, were ordered for the use of the Committee.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 23° die Martii, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Locke King.	Sir John Shelley.
Mr. J. Tollemache.	Mr. Torrens.
Mr. Hanbury.	Mr. Vance.
Mr. Peacocke.	Mr. Rose.
Mr. Baillie.	Mr. Kinnaird.
Mr. Shaw Lefevre.	Mr. Du Cane.
Viscount Bury.	Mr. Lyall.

The Committee deliberated.

Motion made, and Question, "That the Committee do proceed with the inquiry with regard to Wimbledon Common as an open space, and that Lord Spencer be called in, and examined"—(Mr. *Peacocke*)—put, and agreed to.

The Earl *Spencer* (attending by permission of the House of Lords) called in.

The Committee deliberated.

The Earl *Spencer* and Mr. *W. S. Forster*, severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 27° die Martii, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Cowper.	Mr. Cox.
Mr. Peacocke.	Mr. Shaw Lefevre.
Mr. Baillie.	Viscount Bury.
Mr. Hanbury	Mr. Rose.
Mr. J. Tollemache.	Mr. Du Cane.
Mr. Locke King.	Mr. Kinnaird.

Mr. *William S. Forster* further examined.

On the Question being asked by Mr. *Rose*—

"As you are steward of the manor of Wandsworth, you can probably inform me whether the sum that was paid for the land sold to the parish of St. James, and to Mr. M'Kellar, was received by Lord Spencer, and also whether the paths across Wandsworth Common have been closed by Lord Spencer without the authority of any persons who have rights on that common."

Viscount *Bury* objected to the question.—The witness withdrew.—Motion made, and Question, "That this question be put to the witness," put, and negatived.

Motion made, and Question proposed, "That in the opinion of this Committee the Wimbledon Inclosure ought not to proceed until after the Committee has made its report on the reference to inquire into the best means of preserving for the public use the forests, commons, and open spaces in and around the metropolis"—(Mr. *Cox*).—Motion, by leave, withdrawn.

Mr. *W. S. Forster* called in, and further examined.

On the Question being asked, "Give me the names of those counsel," Mr. *Cox* objected to the question.—The Witness withdrew.—Motion made, and Question put, "That this question be put to the witness.—The Committee divided:

Ayes, 7.	Noes, 4.
Viscount Bury.	Mr. Kinnaird.
Mr. Locke King.	Mr. Shaw Lefevre.
Mr. Du Cane.	Mr. Rose.
Mr. Baillie.	Mr. Cox.
Mr. J. Tollemache.	
Mr. Peacocke.	
Mr. Hanbury.	

Mr. *W. S. Forster* called in, and further examined.

The Earl *Spencer* further examined.

Hon. *E. B. Wrottesley*, and Lord *Elcho*, a Member of the House, severally examined.

Jovis, 30° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. J. Tollemache.	Viscount Bury.
Mr. Hanbury.	Mr. Locke King.
Mr. Peacocke.	Mr. Kinnaird.
Mr. Baillie.	Mr. Rose.
Mr. Torrens.	Mr. Du Cane.
Mr. Vance.	Sir John Shelley.
Mr. Shaw Lefevre.	Mr. Bentinck.

Rear Admiral *Sulivan*, Mr. *Joseph Burrell*, Mr. *W. E. Oliver*, and Mr. *William Williams*, severally examined.

The Committee deliberated.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 3° *die Aprilis*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Locke King.	Mr. Rose.
Mr. Hanbury.	Mr. Shaw Lefevre.
Mr. Peacocke.	Viscount Bury.
Mr. Baillie.	Mr. Vance.
Mr. Torrens.	Mr. Kinnaird.
Mr. Lyall.	Mr. Cowper.
Mr. Cox.	Mr. Buxton.

Mr. *William Williams* further examined.

The Committee deliberated.

Motion made, and Question proposed, "That Mr. *Du Cane* be called in, and examined"—(Mr. *Kinnaird*).—Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this Committee are of opinion that it is not necessary to hear any further evidence on the subject of Earl Spencer's scheme"—(Mr.

(Mr. *Cox*)—instead thereof.—Question put, "That the words proposed to be left out stand part of the Question."—The Committee divided:

Ayes, 6.	Noes, 8.
Mr. Locke King.	Mr. Cowper.
Mr. Kinnaird.	Viscount Bury.
Mr. Buxton.	Mr. Baillie.
Mr. Torrens.	Mr. Peacocke.
Mr. Shaw Lefevre.	Mr. Hanbury.
Mr. Rose.	Mr. Lyall.
	Mr. Vance.
	Mr. Cox.

Words added.—Main Question, as amended, put, and agreed to.

Draft Report proposed by the Chairman, read 1°, as follows:—

"The Select Committee appointed to inquire into the best means of preserving for the public use the forests, commons, and open spaces in and around the Metropolis, have considered the case of Wimbledon Common as a part of the matters to them referred, and have agreed to the following First Report:

"Your Committee have proceeded with the inquiry intrusted to them, and have examined witnesses on the state of the law respecting the rights of Lords and Commoners in commons generally, and have considered the outline of a scheme proposed by Earl Spencer, the Lord of the Manors of Wimbledon, Battersea, and Wandsworth, entitled a scheme 'for preserving Wimbledon Common, for remedying certain evils to which it is at present subject, for dedicating it to the public, and for regulating its use and enjoyment;' and in support of the said scheme, they have examined the Earl Spencer and other witnesses; and have also heard evidence against the said scheme.

"Your Committee have agreed to the following Resolutions:

"1. That it is not expedient that Wimbledon Common should be fenced round or enclosed, or that the existing common rights should be extinguished.

"2. That it is not necessary, and would be undesirable, that any part of the common should be sold.

"3. That it is desirable with a view to the better enjoyment of the common as a place of recreation that the same should be more perfectly drained; although the present state of the common does not appear to be injurious to the health of the inhabitants from want of drainage; but, the inhabitants having expressed their willingness to find the necessary funds, your Committee are of opinion that it would be very desirable that they should be allowed to drain the common at their own cost.

"4. That with a view to preventing nuisances and encroachments upon the common, it would be desirable that a limited number of common-keepers should be appointed in addition to the keeper now appointed by the lord of the manor, and it would be reasonable that the expense of such keepers should be borne by the inhabitants. For this purpose your Committee recommend the principle of a rate to be levied on all houses above a certain annual value within a given distance from the common.

"5. That in case the inhabitants shall find the necessary funds or become rated for the maintenance and drainage of the common, it would be reasonable that they should have a principal share in its management in conjunction with the Lord of the Manor, and a trustee to be appointed by the Crown in the interests of the public."

Draft Report, proposed by Viscount *Bury*, read 1°, as follows:—

"The Committee on Open Spaces in and around the Metropolis have had under their consideration the case of Wimbledon Common.

"It is, in the opinion of the Committee, of essential importance to the public that Wimbledon Common should remain an open space, and should continue to be used by the public as heretofore.

"1. The common consists of 1,000 acres.

"2. The Wimbledon Inclosure Bill, which has been read a first time in the House of Commons, is not before the Committee; but Earl Spencer has submitted to the Committee a scheme by which he proposes to dedicate to the public a parcel of 688 acres, less two acres, which he reserves.

"3. The assertion of right on behalf of Lord Spencer, contained in the evidence of Earl Spencer and the Steward of the Manor of Wimbledon, is denied by other witnesses, who, while they admit Lord Spencer to be the Lord of the Manor, allege that common rights exist to a great extent, and that the powers of inclosure claimed by Lord Spencer cannot be exercised.

" The grounds for Lord Spencer's scheme are stated by him to be, the public importance of securing the common as an open space, especially in reference to the rifle volunteers, and the necessity for remedying certain evils which are alleged to be incident to its present condition; viz., the want of proper drainage, the congregation of tramps and gipsies, the deposit of cinder heaps, rubbish heaps, and manure, the firing and destruction of gorse and brushwood.

" The existence of all these evils, in a greater or less degree, is proved by the evidence before us.

" The main objections to Lord Spencer's scheme to which our notice has been drawn, are, his proposal to surround the common with a fence, and to sell outlying parts of the common, and provide for the expense of the contemplated improvements.

" It appears that at public meetings held at Wimbledon and Putney, Resolutions were passed in favour of the imposition of a local rate, to meet the original outlay and the current expenses, rather than that any part of the common should be sold.

" The Committee are of opinion that the cession *in perpetuum* of 688 acres, to trustees on behalf of the public, as proposed by Lord Spencer, would be an advantage to the public, provided (1.) the proposed fence be abandoned; (2.) that the operation of the clauses providing for the sale of certain portions of the common are postponed, to give time for the levying of a local rate for the purposes mentioned in the scheme; and (3.) provided, also, that the scheme can be carried out with a due regard to existing rights: but the legal evidence is conflicting on the latter point; and the Committee, having received an assurance from the promoters of the Bill that the alterations above alluded to shall be made, are of opinion that the Wimbledon Inclosure Bill should be referred to a Committee in the ordinary way."

Draft Report proposed by Mr. *Peacocke*, read 1°, as follows:—

" Your Committee have to report that a scheme has been laid before them by Lord Spencer, which proposes the inclosure of one and the sale of another portion of Wimbledon Common, and that they cannot recommend it to the favourable consideration of the House.

" The various interests connected with the common affected by the scheme involve legal questions of so great difficulty, that your Committee do not feel themselves a competent tribunal to consider them.

" Your Committee have further to report, that in their opinion the 20th Henry 3, c. 4, commonly called the " Statute of Merton," by which a lord of the manor can inclose without either the assent of the Commons or the sanction of Parliament, ought immediately to be repealed."

Motion made, and Question proposed, That the Draft Report proposed by the Chairman be now read the second time paragraph by paragraph—(The *Chairman*).—Amendment proposed, to leave out the words " the Chairman," and insert the words " Viscount Bury "—(Viscount *Bury*)—instead thereof.—Question put, That the words " the Chairman " stand part of the Question.—The Committee divided:

Ayes, 6.	Noes, 8.
Mr. Locke King.	Mr. Cowper.
Mr. Kinnaird.	Viscount Bury.
Mr. Buxton.	Mr. Baillie.
Mr. Shaw Lefevre.	Mr. Peacocke.
Mr. Rose.	Mr. Hanbury.
Mr. Cox.	Mr. Lyall.
	Mr. Torrens.
	Mr. Vance.

Question put, That the words " Viscount Bury" be there inserted.—The Committee divided:

Ayes, 3.	Noes, 11.
Viscount Bury.	Mr. Cowper.
Mr. Kinnaird.	Mr. Locke King.
Mr. Shaw Lefevre.	Mr. Baillie.
	Mr. Peacocke.
	Mr. Hanbury.
	Mr. Lyall.
	Mr. Buxton.
	Mr. Torrens.
	Mr. Rose.
	Mr. Vance.
	Mr. Cox.

Amendment

Amendment proposed, That the words "Mr. Peacocke" be there inserted.—Question put, That the words "Mr. Peacocke" be there inserted.—The Committee divided:

Ayes, 8.	Noes, 6.
Mr. Baillie.	Mr. Cowper.
Mr. Peacocke.	Viscount Bury.
Mr. Hanbury.	Mr. Locke King.
Mr. Lyall.	Mr. Kinnaird.
Mr. Torrens.	Mr. Buxton.
Mr. Rose.	Mr. Shaw Lefevre.
Mr. Vance.	
Mr. Cox.	

Main Question, as amended, "That the Draft Report proposed by Mr. *Peacocke* be now read the second time, paragraph by paragraph"—put, and agreed to.

Draft Report proposed by Mr. *Peacocke*, read 2°.

Paragraph 1.—Amendment proposed, to leave out from the first word "That" to the end of the paragraph, in order to add the words "have come to the following Resolutions: That it is not expedient that Wimbledon Common should be fenced round or inclosed, or that the existing common rights should be extinguished: That it is not necessary, and would be undesirable, that any part of the common should be sold"—(Mr. *Locke King*)—instead thereof.

Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 7.	Noes. 7.
Mr. Baillie.	Mr. Cowper.
Mr. Peacocke.	Viscount Bury.
Mr. Hanbury.	Mr. Locke King.
Mr. Torrens.	Mr. Kinnaird.
Mr. Rose.	Mr. Lyall.
Mr. Vance.	Mr. Buxton.
Mr. Cox.	Mr. Shaw Lefevre.

Whereupon the Chairman declared himself with the Noes.

Question put, "That the proposed words be there added."—The Committee divided:

Ayes, 11.	Noes, 3.
Mr. Cowper.	Viscount Bury.
Mr. Locke King.	Mr. Peacocke.
Mr. Baillie.	Mr. Hanbury.
Mr. Kinnaird.	
Mr. Lyall.	
Mr. Buxton.	
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Rose.	
Mr. Vance.	
Mr. Cox.	

Paragraph, as amended, agreed to.

Paragraph 2.—Question, "That this paragraph stand part of the proposed Report,"—put, and negatived.

Paragraph 3.—Question put, "That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 10.	Noes, 4.
Mr. Locke King.	Mr. Cowper.
Mr. Baillie.	Viscount Bury.
Mr. Kinnaird.	Mr. Lyall.
Mr. Peacocke.	Mr. Shaw Lefevre.
Mr. Hanbury.	
Mr. Buxton.	
Mr. Torrens.	
Mr. Rose.	
Mr. Vance.	
Mr. Cox.	

Question, "That this Report, as amended, be the First Report of the Committee to The House"—put, and agreed to.

Ordered, To Report, together with the Minutes of Evidence and Appendix.

[Adjourned to Thursday next, at Two o'clock.

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Martis, 21° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Henry Baillie.	Mr. Locke.
Viscount Bury.	Mr. Lyall.
Mr. C. Buxton.	Mr. Shaw Lefevre.
Mr. DuCane.	Mr. Peacocke.
Mr. Cowper.	Mr. Alderman Rose.
Mr. Cox.	Mr. John Tollemache.
Mr. Hanbury.	Mr. Torrens.
Mr. Locke King.	Mr. Vance.
Mr. Kinnaird.	Sir Henry Willoughby.

JOHN LOCKE, Esq., IN THE CHAIR.

GEORGE WINGROVE COOKE, Esq., called in; and Examined.

G. W. Cooke, Esq.
21 March 1865.

1. *Chairman.*] WHAT office do you hold?—That of Inclosure Commissioner; that is to say, I am a Commissioner of the Consolidated Tithe, Copyhold, and Inclosure Commission.

2. How long have you held that office?—About two years.

3. You have given attention of course to the law of copyholds and commons?—For many years.

4. I believe the powers of lords of the manor vary very considerably in different manors?—They do.

5. What are those differences?—I apprehend that the lord of the manor is absolute owner of the waste of his manor, except so far as custom, prescription, or grant modifies that ownership by conferring rights upon other persons. He has the residuary right.

6. That is to say, the manor is vested in the lord, subject to the rights of others over it?—Subject to the rights of others over it.

7. Those rights vary in different manors?—They vary in different manors.

8. In what do those rights consist?—The rights may be very various; there are rights of pasture, rights of turbary, and there may be an infinity of rights.

9. Is there a right in the owners of taking gravel?—There are rights of taking gravel.

10. And earth?—And earth.

11. In some commons?—In some commons.

12. Subject to those rights, you say the lord has a fee simple in the common?—He is the absolute owner.

13. He is the absolute owner of the commons, to do with it as he pleases?—As he pleases.

14. What right has he along with the commoners? Does he always retain the same right as the commoners, subject to his not exercising it to such an extent as to interfere with their rights?—Yes, in the first place Lord Coke says that he cannot be excluded, even by prescription, from commoning his own cattle upon his own waste. He has the right at common law; and by the statute of Merton, which is said only to confirm the common law in that respect, he has a right of approvement.

15. In what does that consist?—He may, after leaving to the commoners sufficient to satisfy their rights, whatever those rights may be,—levancy and couchantcy, rights of pasture, and turbary in respect of their ancient messuages, and so on. He then has a right to approve, that is to inclose, taking to himself any residue of the common which may not be required for the rights of the commoners.

16. Will you define turbary?—It is simply taking turves for the purpose of fuel. It is held that you cannot approve against turbary; but, on the other hand, there is a recent case which decides that the rights of turbary do not extend, as they were some time ago thought to extend, to the whole of the common, but only to those parts of the common on which turves exist. That is an important decision as regards the law of approvement.

17. With regard to this question, is it possible to state what are the rights of the lord of the manor, and the commoners generally; or is it necessary to inquire into the rights of those several parties in each particular case?—In each particular case.

18. In each particular manor?—In each particular manor. They vary so greatly, that the ordinary allowance to a lord of the manor is from one-twelfth to one-sixteenth, and yet in some cases we have given five-sixths to the lord.

G. W. Cooke, Esq.
21 March 1865.

19. Upon an inclosure?—Upon an inclosure; in some cases the lord will be entitled only to the bare soil; and in other cases, probably the common may be covered with wood, and the lord may have a right to the wood, and also have a right to inclose for seven years to protect his rising wood. In that case the interests of the commoners would be almost nominal.

20. Having allowed the underwood to grow up again he may reopen it?—Then he must reopen it; that is a right which must depend upon long user; it is not a right which is presumed, and it is a very uncommon right to meet with.

21. What is the mode of establishing the right of the lord of the manor or of the commoner in a court of law?—By an action of trespass, I take it, in cases of injury to the soil, or trespass on the common, and by pounding in case of illegal turning on of stock.

22. What user would it be necessary to prove?—A prescriptive user, at common law, which is so far back as to suggest the idea that it runs back to the time of legal memory—or a user under the Prescription Act for 20, 30, 40 or 60 years, according to the subject-matter of the claim.

23. Now, what are the rights of the public, as distinguished from commoners?—I am not aware that the public have any rights over waste lands at common law.

24. Where there is an open common have they a right to go over it?—No; it has been held that even a commoner has no right to go upon a common, except to put his beasts there.

25. But where there has been a right of way across a common, would not the law apply to that precisely in the same way as it applies to a right of way across any one else's property?—Precisely.

26. Well then, if the public had been in the habit of going across a common from time immemorial, could the lord maintain an action against a party going across, as a trespasser?—Not upon a beaten footpath.

27. Is that the distinction, then?—That is the distinction. I beg leave to cite upon this point the judgment of Chief Justice Abbott, in the case of Blundell *v.* Catterall, in the third volume of Barnwall and Alderson's Reports. The Chief Justice said—"Many persons who reside in the vicinity of wastes and commons, walk or ride on horseback in all directions over them for their health and recreation; yet no one ever thought that any rights existed in favour of this enjoyment, or that any justification could be pleaded to an action at the suit of the owner of the soil."

28. Supposing a party were going, we will say from town A. to town B., and supposing he went the nearest way from the one to the other, which was across a common, and an action were brought against him for trespassing upon the common, would it be necessary for him to show that there was a beaten footpath, or would it be enough for him to show that he wished to go across the common for the purpose of going from one place to another?—The law upon this matter has been very much discussed in the recent case of Dyce *v.* Lady Jane Hay, which was decided in the House of Lords within the last two years, and is reported in M'Queen's House of Lords Reports.

29. What is the purport of that case?—I believe I can state the facts from memory: Lady Jane Hay had a park and a house in the neighbourhood of Aberdeen. There was a footpath, which it was not denied led from her park-gate along within a few yards of the banks of a river, which runs through the park. The inhabitants of old Aberdeen, who are 100,000 people, were in the habit of not only going along this footpath, but of straying from it on either side, and all over the park, and I believe of using the strip of ground between the path and the river for the purpose of fishing. This became a nuisance and was stopped, and then some proceedings were taken which ended in their justifying upon a claim of right in all the inhabitants of old Aberdeen to go over the whole park, and upon that issue the case arose; that is, they said they had a right to stray from the path.

30. Was this park inclosed?—The park was inclosed.

31. In this instance, then, there was an inclosure?—The park was inclosed; the path was not in dispute.

32. That is the meaning of "park," that it shall have a pale or fence around it?—Yes; I have a note of that case.

33. What was the decision?—The judgment is very long.

34. I suppose it was that the public had no right to extend their privilege in an inclosed space?—Lord St. Leonard says, "The *servitus spatiandi* over open ground which has in some measure been devoted to public use is also intelligible and known to the law." That is the law, I take it, as it now stands. Those words were carefully guarded by Lord St. Leonards in order to meet the points which arise in numerous cases, some of them very difficult to reconcile, upon the subject. The essence of all the cases is included in those words.

35. He begins his judgment by saying that the property over which this right is claimed is an inclosed piece of ground; that is to say, the right there was a mere permissive one?—Yes, he did say so; but he said it would not have made any difference whether it was inclosed or uninclosed.

36. *Chairman.*] That is what I directed your attention to, whether or not that decision was upon the ground that this was a park, in point of fact, and not an open common. We all know that it is of the essence of a park that it should be inclosed by a railing. Then we come to the question, what is the ruling decision as to open spaces which have been from time immemorial dedicated to the public for the purpose of recreation, or anything else?—I may quote the same judgment, I think, in answer to that question, because the open spaces which have from time immemorial been dedicated to the public are known to the law, I believe, as village greens or town greens. All the village greens throughout the kingdom are open spaces which have been dedicated to the public from time immemorial; or specially by an owner of the soil having full power of ownership over it.

37. Where is the distinction between a village green and a common; is it in the rights of the lord of the manor and the rights of the commoners over it?—I do not think there is any distinction between a village green and a common, because the exercise of the public rights spoken of are not inconsistent with the exercise of rights of common.

38. Supposing the public, for instance, had been in the habit of playing cricket upon the village green, would not the taking of turves interfere very seriously with the public in that respect;

respect; would it not interfere very much with the cricket-ground, if you cut up all the turf, and burnt it?—Yes, but you have no right to take green turf. I apprehend it would be against the custom of every manor (although it is often done) to pare off the green grass of the common: turves are the peat.

39. Then I will take another case, that of gravel; could the right to dig gravel exist on a village green?—I have not met with a case of the sort.

40. Would the right of the public be subject to that?—That question must be answered entirely by the circumstances of each case. The general rule was laid down by Mr. Justice Buller in a case reported in the Term Reports, and was subsequetly recognised by Lord Denman in a more recent case; and that rule is, that you must look at the circumstances of the case, and judge from them which is the dominant right. *Primâ facie*, the dominant right is in the lord; it is only the lord who has the right to grant out of it. But it may be otherwise; and that would depend, however, upon the frequency and antiquity of the right. In fact you must ascertain the extent of the rights conferred, and the rights reserved by the grant, and see whether the lord's act complained of be in derogation of the former.

41. Has the lord, in point of fact, any right over a village green?—I apprehend a village green is only a part of common which has been dedicated and set apart for public use.

42. Is there any legal definition of a dedication to the public?—I do not remember one; it would be easy to gather one from the cases.

43. Mr. *Shaw Lefevre.*] Dedication may be gathered from user by the public?—Yes; it may be so gathered.

44. *Chairman.*] Then, what I presume you would say is this, that if from time immemorial nobody had dug gravel from this portion of the common, but that it had been all along intended for games and sports by the villagers from time immemorial, no one would have that right?—I think not.

45. Then suppose upon a common where right had been exercised by the commoners, and likewise by the lord at the same time, and at the same time, coeval with the exercise of those rights, the public had enjoyed the common for recreation and so forth, would not their right be equally well established for this purpose to which they put it, with that of the commoners and lord?—On a common you mean?

46. On a common?—If the public had acquired a right by dedication it is, I think, clear that the lord could not act, so far as his right of digging gravel was concerned, so as to destroy their right of recreation, any more than he could put up a gate across a highway.

47. Mr. *Shaw Lefevre.*] That would be a dedication by user?—Yes, that would be gathered from sufficient evidence of user.

48. *Chairman.*] I will put this question to you, which is perhaps a more practical way of getting at it. Supposing you are called upon to inclose a common, whose interests do you take into consideration; those of the lord, of course, and those of the commoners; but do you likewise take into consideration those of persons who have always used the common for the purpose of recreation, or anything else?—The Act of Parliament itself states that in parishes having a certain population we should have power to set out recreation grounds to an extent limited by the Act.

49. And by that means you inclose the common, and thereby recognise the right of the public to their recreation upon it before. Is that so? You say you inclose a common and give so much to the owner and so much to the public?—Yes; if we do not set out a recreation ground we are bound to report our reasons for not doing so.

50. Mr. *Cox.*] That is only in the case of proximity to large towns?—In every case; but the quantity we set out depends upon the population of the nearest town.

51. Mr. *Shaw Lefevre.*] The nearest parish, is it not?—The nearest parish.

52. *Chairman.*] Now, in setting out these recreation grounds, do the Commissioners inquire as to what has been the amount of exercised right by persons in the immediate neighbourhood, with regard to that common, for recreation?—No; I should say in 99 cases out of 100 there is no evidence of any such right.

53. Do the Commissioners make any inquiry as to that?—Oh, yes; inquiry is so made, and every information is collected at a meeting, at which an assistant Commissioner attends; and inquiry is made into every circumstance with regard to the common, and one of the inquiries generally is whether it had been a village green or not, because village greens are exempt from the jurisdiction of the Inclosure Commissioners except for certain purposes; we have no right to interfere with them, except to level them.

54. Will you state what is the nature of your inquiries when you are about to inclose a common?—They are very numerous. There is a form of questions.

55. Perhaps you could furnish us with that?—Yes.

56. Does that form give an enumeration of the rights of all descriptions of persons who, in point of fact, have any right over the common, and whose right is to be satisfied by you in enclosing it?—Everybody.

57. Then amongst those rights is included the right of recreation upon it?—No, not as a legal right; we ask whether there is any village green, and we ask as to the neighbourhood of large towns; those are the only points that we are able to take into consideration under the Act.

58. Suppose you find that there is a large town near the place, do you then assume as a matter of course, in dealing with the common, that the people in that large town have enjoyed themselves upon the common, and therefore as a matter of course you set apart a portion of it, if you are going to enclose it, for their benefit?—As a matter of course.

59. Then you assume a right, where there are people to enjoy it?—It is a statutable power conferred on us; we do not ask for any proof of the enjoyment of the right; we take the directions of the statute, which are to set out a certain number of acres in proportion to the population of the parish. It is not a good basis of calculation, because the other day we had an application from Tooting to inclose Tooting Common, and the parish of Tooting only contains 3,000 inhabitants, or thereabout, so that if it were inclosed, we should be only able to insist upon giving to Tooting a small recreation ground.

60. Now, supposing there are two places; supposing there is the parish of Tooting and the parish of Wandsworth close to the common, would

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would you allow a recreation ground to the inhabitants in both?—Perhaps you will allow me to read the section of the Act?

61. How is it that you arrive at your conclusion; is it simply on the population, saying, given 7,000 people, and so many acres of common, therefore we give them so much recreation ground or village green out of it, or does the mode and the extent to which the people have used this common before, enter into your inquiry?—We take all those circumstances into consideration, and they are all reported upon; for instance, the Commissioner will very often report, "that the people from the neighbouring town of so-and-so resort very much to this common for exercise;" and sometimes he will say, "this is very little used by any people in the neighbourhood, because there is another common which they frequent much more, and which is generally used by them for the purpose of recreation;" all those circumstances are set forth in this report.

62. Then, I will just refer to my former question, which was this: you spoke of a parish adjoining the common; supposing there were half-a-dozen villages which were near the common, do you take into consideration the rights of the inhabitants of all those parishes, or is it only the one on which the common is situated, or the one adjoining, or how?—Perhaps the Committee will allow me to read the section; it is the 30th section of the Inclosure Act of 1845, the 8th & 9th Vict. c. 118: "It shall be lawful for the Commissioners to require, and in their provisional order to specify as one of the terms and conditions of such inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood not exceeding the quantity hereinafter mentioned, applicable to each case; that is to say, where the land to be inclosed shall be situate in any parish the population of which, according to the then last previous Parliamentary Census, shall amount to or exceed 10,000 persons, 10 acres; where the land to be inclosed shall be situate in any parish the population of which, according to such census, shall amount to or exceed 5,000 persons and be less than 10,000 persons, eight acres; and where the land to be inclosed shall be situate in any parish the population of which, according to such census, shall amount to or exceed 2,000 persons and be less than 5,000 persons, five acres; and in every case, except as aforesaid, not exceeding four acres."

63. Is that the parish in which the common is situated?—That is the parish in which the common is situated.

64. The question I asked was, does your setting out the number of acres have reference simply to the parish in which the common is situated, or do you take into consideration the population of the other adjoining parishes?—I think we take it into consideration in the exercise of the power, but we have no power to take it into consideration so as to exceed the exercise of the discretion as limited by the statute; we should go so far as we could, but we cannot go beyond this, which is the limit of our power.

65. With regard to Wimbledon Common, that is, I believe, in two parishes?—Three.

66. Putney, Roehampton, and Merton?—Yes.

67. Supposing you were called upon to inclose that common, would you take into consideration the population of each of the parishes in which it was situated?—Yes.

68. Then, you make your rule-of-three sum?—Yes.

69. In accordance with that section of the Act of Parliament?—Yes.

70. And you would not consider, in the slightest degree, the populous place called London, which is in the immediate neighbourhood?—No, except in the exercise of our discretion to the extent of our power.

71. But you are not called upon by the Act of Parliament to do that?—No.

72. The fact is, then, that with regard to the spaces or commons round London, you administer a law which was made for rural districts?—Yes.

73. Mr. *Kinnaird.*] The Act, as far as large towns are concerned, is defective?—It is not practically defective, because every case must be brought before Parliament; and in a late case which we sent there, I think the general impression was, that we did not hold ourselves at all responsible for matters of public policy, because we send them up to Parliament, and Parliament having reserved the sanction of them exclusively to itself, my feeling is that it would not be right to withhold from Parliament the power to say yes or no.

74. *Chairman.*] You make an inclosure according to the directions of the Act of Parliament?—Yes.

75. Then, after you have made your scheme for the inclosure that must now, necessarily in all cases, whether within 15 or beyond 15 miles of London, be embodied in a Bill for the sanction of Parliament?—Yes.

76. That is so?—That is so; all now go to Parliament.

77. Is it within your knowledge that Parliament has made alterations in your scheme, with a view to extend the recreation grounds, whatever is set apart by you to persons other than those within the parishes in which the common is situated?—Parliament did in one instance, that of Chigwell, in which we sent in the usual report, and they refused to pass the Bill, unless 50 acres were agreed to; we had only power, I think, to give eight or ten, but Parliament exercised its supreme power and made it 50.

78. What you had set out was in accordance with the Act of Parliament?—In accordance with the Act of Parliament.

79. And Parliament, when the Bill came before the House, made an alteration, and increased the number?—To 50 acres.

80. Mr. Alderman *Rose.*] Was there any Act of Parliament for inclosing Wandsworth Common?—No.

81. Mr. *Locke King.*] If the lord has a right to take gravel, have the commoners also a right, generally speaking, to take gravel?—I think that would depend upon the user; the lord's right to take gravel is generally much larger than the commoners; if a commoner has a right to take it, it is for his own purposes, with a reservation that he shall not sell it; any other custom would be bad. The lord may have a right to take gravel without limit and sell it; that has been held good with regard to clay pits.

82. I think just now you said that the commoners have in many cases a right to take gravel?—Yes.

83. In those cases has not the lord also a right to take gravel?—The lord would have a right to take gravel at common law, unless he is debarred by a special custom, because he has a right to the

the soil, and is merely taking a portion of his soil.

84. In the old inclosures there is no recreation ground mentioned?—I do not think I ever saw one in an old Inclosure Act.

85. Then when did this practice of setting out recreation grounds commence?—It arose under this Act of 1845.

86. Then formerly the land was divided between the lord and the commoners?—Yes.

87. And where there were turves, a portion was set out for fuel?—That is so.

88. And were there were no turves, no other portion was set out of any kind?—No, but each Inclosure Act being an Act of the Legislature, there is no general rule running through them all, anterior to the time when the Inclosure Act passed, the Act of George III., which made certain general enactments which were incorporated by a single clause, as the Land Clauses Act now is. Previous to that time every Inclosure Act had its own form altogether. There are frequent provisions for tithes and many things which are not necessary now.

89. I think you said the rights of the lord vary from a twelfth to a sixteenth?—Yes.

90. Are there not many instances where they have been also a twentieth?—I think not now, in the old Inclosure Acts you very frequently find them so; in some cases under our Commission, the lords have refused to take anything at all for their soil, and have made a present of it to the commoners.

91. They have put in no right whatever?—No claim whatever, but in those cases they have nearly always had very large claims in respect of their own right of pasture, or they have been anxious to get the inclosure in order to rid themselves of a nuisance.

92. Mr. *J. Tollemache.*] You say that all inclosures ordered by you now must have the sanction of Parliament?—Yes.

93. Even the most insignificant?—Even the most insignificant.

94. Do you always provide recreation grounds?—I think in many instances we do not, but we are bound to report and say why we do not; but a great many of our inclosures have been among the tops of the Welsh Mountains and the Cumberland Hills, where it would be absurd to set out a recreation ground.

95. Do you say that the lord of the manor could inclose at least one-sixteenth part of uninclosed land without the sanction of the other commoners?—No, I did not say so.

96. Mr. *Torrens.*] Are the general inclosures in the neighbourhood of London made with the sanction of the Commissioners, or the lords of the manor?—I do not think we have made any inclosures in the immediate neighbourhood of London. I have had a schedule made of such inclosures as have been made within 15 miles of London.

97. Mr. *Shaw Lefevre.*] From what date?—Since the passing of the General Inclosure Act of 1845, 1,562 acres of land within 15 miles of London have been inclosed under the General Inclosure Act; only 112 acres, however, of this extent were waste lands, the remainder being subject to certain limited and well-defined rights. I do not know whether the Committee would like me to explain the difference between waste land and commonable land. The commonable lands are simply what is well known throughout England as "common fields." Very much of our cultivated land was in that state 200 or 300 years ago. A "common field" is a tract consisting of many little patches of freeholds or copyholds where the owners were in the habit of cultivating their own pieces of arable land inclosed in the outer boundary, but being without fences as against each other. The owner cultivated arable crops, and then when the crops were gone they turned the cattle in over the whole. Over these commonable lands the public could have no right, they were to all intents and purposes inclosed land as regarded the public, they were only uninclosed with regard to each other. These commonable or common field lands we originally had the power to inclose without the authority of Parliament; but it was found difficult in practice always to say which were commonable and which were common lands, and therefore it was that Parliament took back to itself the power of sanctioning everything. Of the 1,562 acres of land inclosed within 15 miles of London, only 112 acres were waste land, the remainder being subject to certain limited and well defined rights. There are also five enclosures, comprising altogether 1,651 acres of land within the above distance now proceeding: but in each of these cases allotments for recreation, or for the labouring poor have been insisted upon. The following are the particulars of the above-mentioned inclosures: in the parish of Walthamstow, in the county of Essex, 207 acres; in the parish of Waltham Holy Cross, in the county of Essex, 76 acres; in the parish of Edgeware, in the county of Middlesex, 58 acres; in the parish of Carshalton and Beddington, in the county of Surrey, 1,446 acres; in the parish of Barnes, in the county of Surrey, 21 acres; and in the parish of Sutton, in the county of Surrey, 54 acres, making altogether 1,562 acres; then the inclosures now proceeding are Chigwell, in the county of Essex, 600 acres, of which there are 50 acres for recreation ground, and four for the labouring poor. Barking and Dagenham, in the county of Essex, 528 acres, of which five are for recreation ground, and five for the labouring poor. Dagenham, in the county of Essex, 42 acres, of which there are two for recreation ground, and two for the labouring poor. Stapleford Abbotts, Lambourne, and Dagenham, in the county of Essex, 191 acres, of which there are two for the labouring poor. Warlingham, in the county of Surrey, 290 acres, of which there are four for recreation ground; only a small portion of this is within the 15 miles.

98. Mr. *Shaw Lefevre.*] Are Dagenham and Barking within the 15 miles' radius?—Yes.

99. Where do they take the radius from, St. Paul's, or where?—From the Post-office. There are no means of ascertaining with any great accuracy the extent of waste land within 15 miles of London which might be the subject of inclosure.

100. Mr. *Torrens.*] Have the Inclosure Commissioners any jurisdiction within the Forest of Epping?—We have no jurisdiction anywhere until application has been made to us.

101. Have applications been made to you?—No.

102. Or objections to inclosure?—Or objections to inclosure? No one would come to us to make objections to inclosure, because we have no power of interference whatever.

103. Mr. *Lyall.*] I think you said in the course

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of your evidence that you have known many commons where the right of gravel is in the commoner?—Yes.

104. Do you know any instance where freeholders have a right who were not copyholders?—Oh, yes, that would make no difference.

105. And even occupiers?—Occupiers must do so in right of their landlord. Occupiers as occupiers could not do it.

106. Occupiers in right of their landlord have the power of taking gravel and turf to any amount?—They have every right of common which the landowner possessed, but it must be limited.

107. Limited to the extent of their holding?—Limited in some way. It may be, I take it, that a right to take 100,000 loads of gravel a-year might be good, but of course such an extreme case would be unreasonable, but anything which is certain may exist by law; you may have a right for 10 oxen, or 12 oxen, or 30 oxen, but you cannot have a right to take in and turn on other people's oxen *ad libitum*.

108. In inclosing a common, if you found rather a large space there, a space of 20 acres generally used as a cricket ground, would you consider that to be reserved to the public?—I think we should very strongly suspect the existence of a village green, and we should certainly take very great care in dealing with it as to the user upon it, to see whether it amounted to a village green, and how much of it became a village green.

109. Mr. *Peacocke*.] The Statute of Merton is still in existence?—Yes.

110. I believe under that Statute of Merton, people can inclose as against the rights of commoners and without application to you?—They can.

111. So that, in point of fact, under that Statute of Merton, inclosures can be effected without their being brought before you, and consequently without their receiving the sanction of Parliament?—Yes.

112. It is only in the case, I think, of other rights of common that they cannot inclose; I mean other than the rights of pasture?—Yes, that is so.

113. And also nearly all the common rights of England, as a general rule I mean, are rights of pasture, are they not?—Yes; I should say so.

114. So that, in point of fact, inclosures of nearly the entire land of England can take place without coming to you at all?—Oh, no; because under the Statute of Merton, and under the general power of "approvement," as it is called, you can only approve such land as remained after the commoners' rights had been satisfied; there is a further right to approve for the purpose of dove-cote, and for a house. These purposes are set out in the Statute of Westminster, and were commented upon by Coke. It has, I believe, been held, in one case, that the lord had a right to approve two out of a common of three acres for the purpose of a house; but I think that right is one which is not much exercised at the present day; practically, the law of approvement is almost a dead letter.

115. Under the Statute of Merton?—Yes; because you very seldom find a common in the present day which has not more rights upon it than it can carry.

116. What I was alluding to is this: in whom does it rest to say whether the lord of the manor has, under the Statute of Merton, sufficient interest in the common to satisfy the rights of the common; that, I apprehend, would be for a court of law to determine?—Yes.

117. You have no jurisdiction?—We have no jurisdiction.

118. Then, in those cases which are brought before you, you have not yet stated, and will you have the goodness to state the facts?—In the cases that are brought before us, there is first, generally, a correspondence.

119. Who makes the application generally; the lord of the manor?—More generally, I think, the commoners.

120. However, whoever desires the inclosure communicates with you?—Yes; and we send down for the information we require; and also a form of application to us, setting forth all the circumstances connected with the rights and conditions of the land to be inclosed, and the rights of parties. That comes up signed by a third of the persons who are interested *primâ facie*, and we look at it to see that it is properly signed, and if we think it to be so we then send an Assistant Commissioner down to hear objections and to investigate the matter generally. A hearing is held after notice, and he makes his report upon all the circumstances of the case; upon that, if we find the opposition is not great, and if we find that there are advantages in an agricultural point of view, because I take it we do not consider that it is for us to determine whether upon public points of view it is right that they should be inclosed, because they come before Parliament afterwards—if we find that it is right in all the details, we make a provisional order; that provisional order goes down to the parish, and remains there for three weeks; it is then signed by two-thirds of the interests, and then we register it and report to Parliament.

121. Do I understand you then to say that, in order to obtain the provisional order, it is necessary in the first place that rights representing one-third of the rights should make the application?—Yes.

122. And in order that the provisional order should be further carried out, it is necessary, under the present Act, that it should receive the sanction of two-thirds?—Yes, and also the lord of the manor must absolutely consent; he has an absolute veto.

123. When you say if the opposition is not great, what you mean by that is, solely and simply that two-thirds do not concur?—I do not think we should certainly it to pass upon the mere statement that two-thirds agreed.

124. Have you any discretion in that?—We have a discretion not to certify the inclosures to Parliament, because if we do not consider it expedient we are not bound to issue a provisional order; we have a discretion as to its being expedient; we may think that, in an agricultural point of view, it would be of no advantage, that the land would not produce more than it did in its original state; or that the inclosure might entail especial hardship upon the dissenting parties.

125. Then what is the present Inclosure Act?—The Act of 1845.

126. Under that, there is a discretionary power whether you carry out inclosures or not?—Up to the time of our making our provisional order we have discretion, but beyond that, when Parliament has once confirmed the provisional order, we have not.

127. But

127. But you have a discretion up to the provisional order?—Yes.

128. Then, are you obliged to state your reasons if you do not think proper to carry out the inclosure?—No.

129. Or is it absolutely discretionary on your part?—We are empowered to make special reports.

130. Let us take the case of a common in the neighbourhood of London, or a large town, would the discretion rest with you in that case, whether it should be carried out or not?—Legally we are in the position that we might refuse to report it to Parliament.

131. Then legally now under this Act there is an absolute discretion left in you, as to whether you inclose or not?—No, there is an absolute discretion left in us not to inclose.

132. An absolute negative?—Yes.

133. Under the Statute of Merton persons can inclose now, without coming to you?—The Statute of Merton is simply declaratory of the common law; it arises from this, that the lord's ownership is absolute, and he therefore has a right to everything which is not carved out from that ownership, and the only thing that is usually carved out from the ownership is the rights of the commoners; if he leaves sufficient common to satisfy the rights of the commoners, he can inclose the remainder, but as there is scarcely a common now where that can be done; practically speaking, the right of approvement is a dead letter. Cases may however occur for aught we can tell.

134. And in that case the commoners would be only able to protect themselves by the expensive remedy of a lawsuit?—Yes, that is the only remedy they have.

135. You stated that it required two-thirds of the commoners to agree to confirm the provisional order?—Yes.

136. Do you mean two-thirds in number or in value?—In value only.

137. Not in number?—No.

138. Mr. *Buxton.*] I wish to ask whether the alterations in the recreation ground in the Manor of Chigwell was done by Bill, or was it done by the Commissioners?—It was done by Parliament, I understand; I was not on the Commission at that time

139. Is there any limit to what is called a village green; supposing persons have been in the habit of playing games about all parts of an extensive common, would that all be calculated as village green?—No, I think not.

140. There is no definition, I suppose?—There is no definition of village green, but there is a distinct recognition of it in the judgment of Lord St. Leonards that I have alluded to.

141. Sir *Henry Willoughby.*] Did I rightly understand you to say that the public policy of these Inclosure Acts is left to the determination of Parliament?—Parliament has reserved that to itself; every inclosure must pass through Parliament.

142. For that reason, then, the question of public policy is entirely excluded from the consideration of the Commissioners?—There have only been one or two cases in which, from the contiguity to large towns, the question has arisen. It is a matter upon which three men may reasonably differ; individually, I should not think of interposing my view of the question, so as to keep from Parliament that which was ripe for Parliament in other respects.

143. You do not interfere in the question of the public policy of these Acts?—I do not think that I should like to say that; it has never been so far discussed and settled that I could speak for my colleagues in that respect.

144. That is your individual opinion?—It is.

145. Mr. *Kinnaird.*] Will you shortly state that opinion?—That so far as public policy is concerned of inclosing a common by reason of its being near a large town, that is a question which Parliament has reserved for itself; and I should feel I was not justified, if in other respects the inclosure was expedient, in keeping that back from Parliament upon grounds of public policy.

146. You take no steps to inform Parliament that it is undesirable?—No, I do not say that; if undesirable, I think we should call attention to it.

147. Sir *Henry Willoughby.*] Assuming that the policy of these Acts of Inclosure is to be determined by Parliament, are any means afforded by the Commissioners to Parliament to enable it to form a correct judgment?—It will be seen, by reference to the papers, that every inclosure is specially reported upon by us.

148. Is it not the practice now to send to Parliament a number of Inclosure Bills included in one Act?—Yes, in a Schedule to one Act.

149. Such Bill contains no particulars to any particular inclosure, except in the Schedule?—Yes, it contains some particulars of each inclosure; there is a sessional Bill, and sometimes two.

150. Seeing that the public policy of any of these Acts of Inclosure may be questioned, do you consider that a sufficient mode of informing the Houses of Parliament of what is done under each proposed inclosure?—That is a question I can scarcely answer; we do everything which by the Statute we are directed to do; I think it is not within my experience to say what would be sufficient notice to the Houses of Parliament.

151. Might not very important questions of public policy be omitted from such Schedules?—We specially report if it is within 15 miles of London.

152. My question referred to the Bill itself?—Nothing appears in the Bill; all that appears is in our report.

153. It might so happen that the Houses of Parliament might pass an Inclosure Bill upon very little but what appeared in the Schedule?—It might so happen.

154. Do you consider it desirable that the Commissioners should be instructed to give more special information in the Bill?—We can very readily do so.

155. Mr. Alderman *Rose.*] Since the passing of the Act of 1845, all Inclosure Acts have come under your consideration?—Since the Amendment Act passed.

156. Was the inclosure of Wandsworth Common included?—I think not.

157. How was that omitted?—It was not done under our Commission at all.

158. You are not acquainted with any of the circumstances connected with the inclosure of Wandsworth Common?—I am not.

159. An inclosure under your powers could only take place with your cognizance, and with the sanction of Parliament?—Just so.

160. Then the explanation of that inclosure of Wandsworth Common is, that it has been done under the powers of a Railway Act?—Parliament

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ment has, I presume, passed a special Act for the purpose, with which we have nothing to do.

161. Mr. *Cox.*] I believe that, according to the Statute of Merton, after setting out the rights of common, the lord might inclose. Has it come within your cognizance that the lord has ever done that?—I think that I might state one or two cases in which the lords have inclosed a small portion.

162. In your opinion, as I understood, it is quite necessary that this Committee should inquire into the custom of every manor that may come before it where there is an open space?—Certainly.

163. You cannot lay down a general rule?—No rule can be laid down; for instance, at Tooting Common the customs and the rights of parties may be very different from those of Wimbledon.

164. One of our first duties will be to inquire into the custom of any particular manor in which an open space may be situate?—That will be necessary to arrive at accurate conclusions.

165. I understand you to say that there are well-defined distinctions as between commonable lands and waste lands; do you mean that you never reckon the right of the public to roam over lands?—The only way that I can define that is in the words of Lord St. Leonards, who appears to have applied his mind to that point.

166. You know of no law which makes it an illegal custom for the public to use common or waste land?—On the contrary, it has been held that recreation is a necessity of the inhabitants, and so far a necessity that it need not be alleged in pleading, and that games and all lawful sports are recreation. Those are points which appear in the books.

167. But if, in the course of our inquiry, we find that no games have been played upon any open space, is it your opinion that that would not be a village green, or such a custom as would give the public a right over it?—It has been held that to dance on the green is a good custom; that appears in one of the first cases.

168. Is it your opinion that, unless a custom can be shown of dancing or playing games upon an open space, the mere roaming about it would not give the public a right of user?—I do not think that there is anything known to the common law as such a right in the public; the onus of proving such a right lies upon those who claim it.

169. Mr. *Shaw Lefevre.*] Do you not think that the recognition by Lord St. Leonards of the *servitus spatiandi* would cover something more than games?—No doubt it might; it is derived from the Civil Law.

170. I think Lord St. Leonards says that the English law recognises it as well as the Scotch law?—Yes; he says there need not be a dominant tenement to give the *servitus spatiandi.*

171. Mr. *Cox.*] Is not roaming about as good a custom as cricketing and dancing?—I have nothing in the books which can help me to answer that question. The decisions do not seem to go that way.

172. Under your Inclosure Acts you can only keep within the strict rule of the law as set out?—The parties sometimes agree to give more than we could award.

173. Do you think that those Acts are such as should regulate the inclosure of ground in the immediate neighbourhood of a city with 3,000,000 of inhabitants?—I do not think that 10 acres would be sufficient out of a large tract of waste land in the neighbourhood of London.

174. Do you think that the provisions of the Inclosure Act under which you act are such as secure to the public or to the inhabitants of a city with 3,000,000 of people such rights as they should have over the open spaces surrounding them?—If there were a claim of *servitus spatiandi* over the whole of a common I do not think that there is anything to prevent our giving a decision upon it so that it might be taken up to the courts of law for decision.

175. I was asking your opinion, founded upon your experience as an Inclosure Commissioner, not keeping you within the four corners of your Act of Parliament. Do you think that Act suitable for the inclosure of land around the Metropolis of 3,000,000 of people?—I think it expedient that there should be some special provision for commons in the neighbourhood of London.

176. I think you say that the Act was for rural districts?—It is, generally speaking, for the common run of inclosures; in the course of the year we have about 60, many of them in the wildest parts of the country, in which an inclosure is of the first necessity.

177. At Walthamstow are you able, from your table to tell us how much was reserved for public use?—No, it does not give me the information.

178. If any information were brought to your office that inclosures were taking place illegally, should you take notice of it?—We have no power.

179. Have you had no large inclosures in the parish of Loughton, in Essex?—I am not aware of it.

180. If complaints were brought to your office that large inclosures were taking place in the immediate neighbourhood of the Metropolis, you would not consider it part of your duty to interfere?—We have no power to interfere any more than the chief of the London police.

181. Does the Inclosure Act under which you are acting give no power to stop any illegal inclosure?—No.

182. Do you say that if two-thirds of the interested parties did not assent to the inclosure, it could not take place?—It cannot.

183. Let me suppose an open space eight miles from Whitechapel Church; there is a proposed inclosure of 500 or 600 acres, to which immense numbers of the inhabitants of the Metropolis have been from time immemorial in the habit of resorting, what steps would you take to inform those people that this proposed inclosure was about to take place?—We should advertise it in the newspapers and put notices upon the church doors.

184. Let us call the place Walthamstow, what would be the course of proceeding?—Some person would write up to us from Walthamstow and say that the lord and the commoners were contemplating an inclosure, and ask for directions upon the subject; we should send down forms which would be brought up signed; we should then give notice of a meeting to be held to consider the objections to the inclosure. We should send down the proper papers to be put on the church doors, and should advertise in the newspapers which were most generally read in the neighbourhood.

185. Have you ever inserted such advertisements as those in the London newspapers?—I do not

not recollect that we have, we should if we saw any special reason for it.

186. Still for the sake of the name, taking Walthamstow, no steps would be taken to ascertain the rights of the public at that place?—No.

187. There would be no advertisement in the London newspapers?—I am not so sure of that, if our attention were drawn to it we might put in such advertisements, but it would be exceptional.

188. I am asking you the practice of your office; if an inclosure came within six or seven miles of the Mile End-road would you think it part of your duty to make any inquiry as to whether the public had any right over that land at Walthamstow?—No, we should not interfere with any claim unless it was brought before us.

189. But would you insert any advertisements in papers circulating in London?—Circulating in Walthamstow we should, not precisely because they circulated in London.

190. Therefore it would be quite possible for an inclosure to take place in the winter time at Walthamstow without the people who were in the habit of resorting to that place knowing anything at all about it?—An inclosure does not take place in a moment.

191. I will give you from October to the following May?—You must give the whole Session of Parliament as well; it must go through Parliament.

192. What information is contained in an inclosure Bill when it is brought before Parliament?—A great many Bills of a similar character go up now.

193. What information would a Member of Parliament receive from taking up an Inclosure Bill?—He would simply see that the place referred to was in the schedule to be inclosed.

194. He would see the name of the parish?—And the name of the county.

195. Just as in the case of a Turnpike Act?—Yes.

196. Nothing further?—Nothing further.

197. Mr. Alderman *Rose.*] Supposing that a Railway Company were to schedule a whole common, would it not be their duty to give you notice?—No.

198. Could they take the whole of Wandsworth Common?—So far as we are concerned, we have no power; a case has occurred in which rival railways are going through a common which we are inclosing; but we have no *locus standi* before the Committee.

199. Do you know that Wandsworth Common is scheduled for a railway which is going through one corner of it?—No.

200. Mr. *Shaw Lefevre.*] I believe that by the first Inclosure Act commons within 15 miles of London were excluded?—Not altogether.

201. If a proposal were made to inclose such a common as Wimbledon, or Hampstead Heath, or Blackheath, the usual amount of land set apart would not be sufficient?—I take it that it would be altogether insufficient.

202. Under the law of approvement I think that the lord of the manor can only inclose if he leaves sufficient for all the commoners?—Just so.

203. Is it not very rare for a common to be left with more than sufficient for the commoners?—I do not know the circumstances of Wimbledon Common; but supposing that Lord Spencer bought up all the rights but three, might he set apart sufficient to satisfy those three rights, and inclose the rest.

204. There is also a possibility of the lord of the manor getting the consent of all the commoners?—Yes.

205. In consequence of the difficulty of obtaining the consent of all the commoners, it is necessary to have an Act of Parliament?—Yes.

206. If the lord of the manor obtained the consent of commoners, any common within easy reach of London could be inclosed?—If he had bought up all the rights it would be no longer a common.

207. The public would be thrown upon their legal rights in respect of any right of action they might have?—Yes.

208. The only method of their proving such rights, would be to wait until the inclosure has taken place, and then breaking into it; an action of trespass would then be brought against the person who broke in?—Yes.

209. Do you think that is sufficient security for the public in the present state of the law?—It is very difficult to say; we are assuming that there is such a right.

210. I am assuming that the public at a particular place have a right of recreation over the common. Do you think that their interests are sufficiently guarded in the present state of the law, looking at the prospect of the lord of the manor of approving or inclosing with the consent of the commoner?—If there is a legal right to that effect, it seems to me to be a very easy manner of vindicating it, to break down the inclosure.

211. You think that is sufficient?—I cannot imagine any right more summary than that.

212. Of course that would be done subject to an action of trespass, and having to defend it against possibly a very rich lord of the manor?—Yes.

213. Do you not think that the power of enforcing the rights of the public could be put into the hands of some public person, so as to prevent encroachment on them?—When the right is thoroughly well established, I can well understand then that you may give a summary jurisdiction for their protection. We have summary jurisdiction for the protection of our recreation grounds; but to say that you shall have a summary process of enforcing a right which is not established would be very different.

214. Do you mean by not established that which is not ascertained?—Which is not ascertained.

215. Would it be possible to ascertain the rights of the public with reference to commons round London, and then to put it into the power of some public body to enforce them?—When they were once ascertained it would be useful to have such a summary jurisdiction.

216. I should like to know what your view of the rights of the public is with regard to commons such as Hampstead and Blackheath, which are extensively used by the public?—Do you mean the moral rights or the legal rights?

217. The legal rights. Take first the inhabitants of Hampstead; on such commons they have been in the habit of playing all kinds of games?—Yes.

218. Supposing it was proved that on such a place as Hampstead there had been from time immemorial a habit of using the common for the purpose of playing games, do you think they would have no right afterwards to use the common for

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that purpose?—It would depend upon user, to a great extent. It was held in that case to which I have referred, that an easement cannot be so exercised as to destroy the ordinary beneficial use of the property.

219. I should like to call your attention to a recent case, in which it has been held that the public had a right by custom to race on a piece of ground four miles long one day in the course of the year. That was found a good custom by analogy to those cases to which you have referred?—Yes.

220. That would be as large an exercise of the custom as could be imagined?—Yes.

221. If such a custom as that could be proved, you would not inclose?—We could not inclose if such a custom were allowed; we should hold a meeting upon it, and decide one way or the other, and that decision would go before the courts of law.

222. I want to know whether, by analogy with that case and the case you have already quoted, that right of the inhabitants of Hampstead would be considered a good one?—As far as I have been able yet to draw a general principle from those cases (and nobody knows better than yourself how difficult it is to draw a principle from them), I should say the principle was this, that these matters being the privilege of a large body of people, must be claimed by custom. If we apply to it the legal requisites of a custom, we are more likely to arrive at legal results; the custom must be certain in time and place, it must be from all legal memory, and it must be continuous; it must never have been disturbed of right, although it may have been intermitted; and it must be reasonable. I apprehend that the cases which have been decided impinge upon all those different requisites; and at last we shall be brought up to the question of whether the custom is reasonable. Although Lord St. Leonards avoided saying anything which fixed him to a principle, it seems to me that his decision in that case of Dyce *v.* Hay went at last upon the principle that it was not a reasonable custom that people should go and expatiate over the whole of this lady's park.

223. I have read that case very carefully, and do not find any expression of that kind in the judgment. The question there was, whether it was a permissive use of her grounds or whether it was a custom exercised as of right; I do not find in his judgment anything about the question of reasonableness?—He does not say so.

224. In fact he refers to a case in his judgment, in which it was held that a right obtained by custom of playing golf on an open space, was a good custom?—Yes.

225. And if you look at the judgment in the Scotch case you will find that there it was an inclosed piece of ground, it was a mere strip of ground of two yards broad in one place, and 20 in another, lying between the pathway and the river, and the question of notice was never introduced?—That is the only principle that I can see.

226. Supposing the question of reasonableness to be an important one, I refer you to that earlier case in which the courts have held that the custom to play cricket was a reasonable one, and in the case which I have pointed out to you, that of a racecourse, they have held that to hold races once a year is a reasonable custom; I want to know whether by analogy it would not be also reasonable for the public to claim a custom to play over the whole of Hampstead Heath?—That is a point upon which different courts may hold different opinions.

227. Supposing there be such a custom, is there any mode of enforcing it at present, except that of waiting until the inclosure takes place and then breaking down the hedge, and acting by force?—No.

228. Is there any mode also of preventing the gradual encroachment on such rights?—No, there is no doubt that that is one of the most difficult parts to keep these open spaces; they will be gradually encroached upon.

229. The same question would arise where the lord of the manor incloses with the consent of the commoners without coming to Parliament?—Yes.

230. The public are thrown upon their legal rights?—Yes.

231. And there would be a great difficulty in ascertaining and enforcing them?—There would be that difficulty, no doubt; but you must always try a right if you wish to vindicate it.

232. You do not take into consideration the right of the public, but only the rights of the lord of the manor, if a certain number of his commoners consent to the inclosure?—That is all.

233. Supposing, for instance, that the question of inclosing Hampstead Heath, or Blackheath, came before you, would you proceed in the ordinary way?—Of course we should report to Parliament that in those cases there were such and such circumstances, and draw attention to them.

234. Mr. *Baillie.*] You say that the portions inclosed vary according to the different rights of the commoners. Do those rights include the customs of which the Honourable Member has been talking; I mean, do you take into consideration anything else, except the rights of the lords and commoners; do you take into consideration the rights of the public?—Only so far as we are allowed to do so by the Act of Parliament which regulates the quantity of recreation ground to be set out.

235. That Act defines what the rights of the people are beyond that. Then the amount which may be inclosed on different commons depends on the number and value of the commoners' rights, does it not?—It would practically; but it does not according to the Act of Parliament, because, if there were only 10 or 20 acres, we should not feel justified in taking the whole statutable portion out of it.

236. But if there were a few owners, or if the owners had altogether died out, and there were consequently no legal commoners' rights, what would be the result?—Then it is the private property of the lord.

237. And you could not prevent him from inclosing if he choose?—No.

238. And custom would have nothing to do with it?—The persons in whose favour the right of common takes place are gone, according to the case you put of their being no commoners.

239. And if they have been bought up, or have disappeared in one way or the other, the lord would have the power, according to his own act, to inclose the common without coming to you?—Whenever the commoners' right becomes extinguished, it merges in the freehold; therefore, if all the common rights become extinguished, they all merge in the freeholder.

240. If by immemorial custom games have been played on that particular space, and dances have been

been held there, it would still be the freehold of the lord, and it would not be taken into consideration?—The easement would not be affected at all; there is a distinction in law between easement and profit *á prendre*. The easement is not to take anything profitable, but to have an enjoyment over his soil, so that the loss of the common right would not interfere with the easement.

241. Then the lord might inclose, but the people would still have a right to amuse themselves on the common?—They would still have their old right.

242. Mr. *Shaw Lefevre.*] The lord might inclose it in such a way as to give the public a right of coming on it, but not of building upon it?—He could not prevent their having the same powers of recreation as before.

243. Mr. *Baillie.*] I think you say that the lord might still inclose?—He might inclose it so far as to leave access to the public at all reasonable times.

244. That would, of course, prompt him to put up such a fence as he chose round the common, and allowing the public access only at such times as he might deem reasonable?—That would permit him to do anything which would not interfere with the enjoyment of the right, just in the same manner as he may approve the common, so long as he leaves the commoners sufficient pasture.

245. But the customs seem to be so ill defined, that it is hard to say what would be reasonable access?—It would be always for the judgment of the court what would be reasonable access.

246. I understand you to say, that the lord need not come to you in such a case, and therefore there would be no control?—We should have nothing to do with it.

247. The lord might do what he liked; there would be nobody to stop him?—The public would, I assume, stop him in the exercise of its right.

248. I want to ask a question as to village greens. Is that a technical term; I suppose it means comparatively small inclosures; has it anything to do with the size of the inclosure?—I do not think it has.

249. It is usually a small piece in the middle of the village, across which there is a footway, and upon which the village boys can play cricket?—Yes.

250. But if there was a large open space near the village would there be anything to prevent its being called a village green; is there any technical distinction?—I do not think there is any distinction in the terms. In practice we have always considered a village green to be that part of the common where the boys play cricket or other games; we have generally looked at it, and seen how much of it has been used for that purpose, and have established it as a village green. We should not say, if there were 500 acres of common, and one acre in the middle of it was used as a cricket field, that therefore the whole of it was a village green.

251. But a village green is, then, a part of an uninclosed space which is open to the public, and over which they have defined rights?—Certainly.

252. Mr. *Shaw Lefevre.*] Or undefined rights?—They must be defined if they come to issue. This is what Lord St. Leonards says about village greens: "If there be a piece of ground uninclosed (not that I mean to say inclosure would make any difference, unless there was an exercise of adverse right) and dedicated from time immemorial to the public, from which a custom may be laid for sports generally, or for village recreation, those rights will remain untouched and be unassailable, be the fate of this case what it may."

253. Mr. *Kinnaird.*] You think clearly the meaning of that judgment is, to recognise certain defined rights of village greens?—Yes.

254. But I think you said, in the early part of your evidence, that the whole of those open spaces are supposed by the law to be in the hands of the lord of the manor?—It is the lord of the manor who must bring trespass against a stranger.

255. It is clear from Lord St. Leonard's judgment that there is a right in the village greens?—Yes.

256. Consequently it must have been the intention of Parliament, by their Acts, to recognise such rights?—The right is distinctly recognised by the section which precludes all village greens from inclosure; there is a distinct section to that effect.

257. Then there is nothing very defined in a village green; it may be there is a village with some 60 or 70 inhabitants, which may have its little green?—Yes.

258. If it is a very large city like London, it has its rights of that sort, I suppose?—I do not quite see that. It evidently has a capacity to acquire such rights.

259. In your experience of three years as an Inclosure Commissioner, would you think it desirable that these rights should be now well looked into, and something done to secure to this large village its adequate share of greens?—Certainly.

260. Mr. *Shaw Lefevre.*] What is the largest village green which you can recollect having set out?—I do not think we have any return of them. If they say there is a village green, we leave it alone; but I think we generally allow four, or five, or six acres.

261. Viscount *Bury.*] Is Fulham Green a village green?—I do not know any of the circumstances.

262. Mr. *Shaw Lefevre.*] Do you think that such a place as Hampstead Heath might be considered a village green to a large town like London?—These matters are so thoroughly virgin soil, that only when the courts begin to plough it, shall we know what the result will be.

263. Mr. *Kinnaird.*] I observe in the form of question which you send out, one inquiry is, whether the Crown is interested in any part of the land?—Yes.

264. I presume the Crown looks to the interests of the people?—Not so. By the Crown I mean the Department of the Woods and Forests; we have no power to interfere with Crown manors.

265. I have carefully read these questions, and I see that the interests of the Crown are very carefully protected; but I do not see that they lead to any information as to the rights of the poor people?—No; we have no power to make any such inquiries.

266. Are these questions in the Act?—No; but in each case we inquire whether there is a village green.

267. I do not think there is any question here, the answer to which would enlighten you (the Inclosure Commissioners) on that point?—We ask whether there is one, and we ask also how near the land is to any town.

268. Do you not think it would be well to add, "and are there no rights of way?"—The

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rights of way form a separate division altogether; the valuer has a jurisdiction over these.

269. Now take the case of Warlingham, which is in the act of being inclosed; there are various rights of way there; are you doing anything to protect the public in their rights of way?—We cannot shut them up without giving the regular notice.

270. But you are aware that there are individuals inclosing now without coming to you?—We have no information of that nature.

271. There are inclosures going on, are there not, totally irrespective of the Inclosure Commissioners?—I do not know of any; the lord of the manor may inclose if he can agree with his tenants; but those are very rare cases; you must find all the tenants with absolute power as well as will to sell their rights; but that never arises.

272. But supposing it is done, and nobody takes any notice of it, how long constitutes his right?—Twenty years.

273. Twenty years would shut everybody out?—Yes.

274. But what is a poor man to do who has had an immemorial right of way there; is he to break down the gate, and subject himself to an action?—That is the only course he can pursue under any circumstances.

275. There is no Act of Parliament which protects the poor man in the exercise of these immemorial rights?—If a footpath or a highway is shut up, and a man wishes to go along it, he forces his way through if it is stopped up; he is then taken before the magistrate, and he there claims that he had a right to go through it, in which case, if the magistrate believes it to be a *bonâ fide* claim, the summons is dismissed, and the party is left to his remedy; if there is no *bonâ fide* claim he is fined.

276. Mr. *Shaw Lefevre.*] A right of way must be well defined?—Yes.

277. If there happens to be no defined way, it may be inclosed?—The way must be defined, no doubt; there was a case in which it was held that mere tracks made in a wood, without intending to go from one spot to another, did not constitute rights of way.

278. I am putting a case where there are houses by the side of the common open to every one, and where, from the very fact of its being open in all directions, there is no defined way in any one direction; and yet, perhaps, there is a necessity for the public to go across the common to some village on the other side. The public right might be encroached upon without some provision being made?—I think you will find, that from one point to another, which is much used, there will be a track; and, although people diverge from that track, I think the straight line from point to point would be very well understood to be a right of way; but, wherever an inclosure is carried on, the valuer who is chosen by the parties to divide the land after the legal rights of all parties have been completely settled, and everything has been reduced to mere surveyor's work, apportions the corpus to be inclosed, and he lays it out with such necessary rights of way, both public and private, as will be for the general convenience of every one, and upon that question appeals are sometimes made to us; practically, it is one of the most strongly disputed points in the inclosure, and a great deal of discussion takes place before it is concluded.

279. Mr. *Kinnaird.*] You do look necessarily to that; and until the rights of way are provided for you do not sanction the inclosure?—We do not.

280. And you do look to the rights of people who have exercised a proper right of way?—Yes.

281. *Chairman.*] The question of the Honourable Member was, whether it is necessary that there should be a distinct track across the common to entitle a person to claim that right of way?—Our Act directs the valuer to set out all such rights of way as he shall think necessary across the common; it then says, that after the confirmation of the award, all other rights of way, except those set out by the valuer, shall be for ever extinguished.

282. What does the valuer set out?—Does he set out that there is a track, that is, a footway, or a bridle road, or a carriage road, across to such a place; is it necessary for him to do that?—Yes, he sets out footpaths, bridle roads, cartways, and highways.

283. Mr. *Kinnaird.*] Notice is given that he is going to set out roads, and any poor person claiming roads appears?—I think those are occupation roads; there is always a great struggle about occupation roads.

284. I suppose the lords of the manor of Epsom and Ascot have the same rights as other lords of the manor?—I cannot tell; I have no sources of information on that point.

285. Nobody would for a moment tolerate the closing of Epsom Downs; why should there be an exception there, whilst the poor man's right, which is equally important to him, is not regarded; it appears to be a law of the strong, whilst nothing is done for the weak?—I cannot give an opinion upon that.

286. Viscount *Bury.*] What technically constitutes a right of way; if the lord of the manor disputes a right of way across a field, will it suffice him to put up a stile, or must he put up a gate which cannot be passed?—He may destroy the right of way, but he must do it by an order of the justices.

287. Mr. *Shaw Lefevre.*] If he has the rights of pasture, he may put a gate in such a way that parties may pass through the gate?—Yes.

288. To put up a gate across ways, if not a footpath, is not considered a legal impediment?—No; but the valuer stops up the whole of it.

289. Mr. *Kinnaird.*] In your evidence you lay very great stress on the fact that, inasmuch as a Bill must go before Parliament, you leave the interest of the people to Parliament, to deal with them, and not by yourselves. If you were required to attend to them, perhaps you would take greater care?—Certainly.

290. Would it not be desirable that there should be such an alteration in the law, to give the necessary powers to those who really understand the matter: are you aware of what really happens, that these Inclosure Bills are passed at the end of the Session, when every one is tired, and is going away, and without any attention being drawn to them. Your report is so very brief, that important rights might be sacrificed from the little information there is in the Bill before Parliament?—Whenever any person is interested in it, the attention of Parliament is always called to the matter; in very many instances, the attention of Parliament has been called to our Bills.

291. But, practically, these Bills are passed without the slightest attention being drawn to them?

them?—If there is no objection to them, no one takes any notice.

292. Do you not think it desirable that power should be given to the Inclosure Commissioners to give the necessary information?—It might be done without an Act of Parliament, and simply by a direction from the Home Secretary, to whom we do report specially on all cases that come within certain distances of large towns, and we might then report more fully.

293. You have the information, but you are not called upon at present to report as fully as you might?—We do not report at any great length.

294. When you say that you give notice to all persons who are interested before you go on with the inclosure, do you mean all the inhabitants of the parish in which the common is situate?—The words "Persons interested" are words of art, which are defined by the statute.

295. Whom do you give notice to?—To the whole world.

296. What does the statute say about that?—I am afraid I should hardly make it intelligible; it is very long, it goes into the whole question.

297. Perhaps I had better put it in this way: to whom do you give notice?—We give notice to the whole world.

298. By advertisements in the newspapers?—By advertisements in the newspapers, and by putting it on the church doors.

299. The same notice as is given for revising lists of voters?—Yes.

300. Do you likewise put the notices upon the chapel doors?—We have a particular section about it, and we do put it practically, upon the places where it is likely to be seen.

301. That is the notice to all those persons who are interested?—Yes.

302. I just wanted to call your attention to the form of questions which you send out; number 12, I see, is to this effect: "What is the city, town or populous district, and railway station, nearest to the land proposed to be inclosed, and what is the distance of such city, town or populous district, and railway station, from such land?" Now, what is the object of that question?—It has several objects, one object is with reference to the convenience of the Assistant Commissioner who is to go down and hold the meeting, how he is to get to the spot. Then its "distance from the city, town or populous district," is with reference to the powers we have of setting out recreation grounds and allotments for the labouring poor.

303. Does that mean, that the city, town or populous district, must be within the parish?—It does not so state here, but we wish of course to get general information on the subject; after having got the information we might not be able to apply it unless the necessary amount of population was in the parish.

304. With reference to the quantity of recreation ground which shall be laid out, is it done with reference to the amount of population which is within the parish in which the common is situate?—Yes.

305. Number 13 is "Name an inn or other convenient place in the parish for holding meetings?" I presume that is for your own information?—That is for the convenience of the parties.

306. Then the next is, "If there be more than one such city, town or populous district near such land, name them?" Is that at all with reference to those which are situate within the parish?—Yes.

307. Do you mean that they must be within the parish?—No; because we might not feel it right to exercise a power that we have unless there was a city near. For instance, the parish might have only a hundred people in it; still, if there were a large city some little way off we might think it necessary to exercise our power to allot four acres.

308. Then that would be accommodating persons who are not within the parish?—We do accommodate persons who are not within the parish. The Act of Parliament does not say that we shall not take into consideration the contiguity of large towns, although it limits the extent to which we can set apart recreation grounds.

309. If you chose, you might consider the interest of the borough of Southwark with reference to Clapham Common?—To the extent of 10 acres.

310. The last question, No 15, is this: "Is any part of the land proposed to be inclosed within 15 miles of London; or within two miles of any and what city or town of 10,000 inhabitants; or within 2½ miles of any and what city or town of 200,000 inhabitants; or within three miles of any and what city or town of 30,000 inhabitants; or within 3½ miles of any and what city or town of 70,000 inhabitants; or within four miles of any and what city or town of 100,000 inhabitants?" Now, does that restrict you to the consideration of the wants of any town, although it may be of 100,000 inhabitants, which is not within four miles of the common?—That only applies to the particular section of the Act.

311. Now, do you think that this Act might be advantageously altered by stating that it should be in the power of the Inclosure Commissioners, in setting out any common within this area of 22 miles from the metropolis, to extend that 10 acres which is set apart for recreation ground, or whatever you may call it, according to the distance from London, or according to the size of the common, to a very much larger proportion of the common than they do at present? Do you think that would in any way meet the object of preserving these open places?—That is a very large question, because in that case Parliament would seem to tell us that we must set out a portion, and surrender the rest to the commoners and lords of the manor for inclosure. If that is the opinion of Parliament, certainly it would be very easy to carry that out; but it would involve a very large inclosure of open spaces.

312. Supposing Parliament were to go to this extent, that it should reserve such an amount for the lord of the manor and for the commoners as would enable them to use that for beneficial purposes to themselves and likewise hold sufficient for the expenses of the part which remains, and then leave that part which remains precisely as it was before, only that it is properly taken care of, they not exercising any further rights of common over it, so as not to interfere with it in any way?—That would be very much the powers which we now have, if you use our machinery to compensate the lords of the manor, but we are still at sea as to the rights of the public, which have never yet been defined.

313–14. The rights of the public would be ex-

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tended by that scheme, in consequence of the power being invested in you to give a much larger proportion of the common to the public than at present the Act of Parliament enables you to give. Do you think some such adjustment as that might be arrived at by altering the present enactment, allowing the Commissioners to inclose commons as they have hitherto done; but in point of fact taking into their consideration the rights of the public at large with regard to these open spaces 22 miles around the metropolis, you setting apart a portion which should answer to the wants of the public according to the distance it was from the metropolis?—The result of that would be that Parliament would make the Inclosure Commissioners the negotiators on the part of the public for the best bargain that they could make; because as we should require the assent of two-thirds of the commoners, and also of the lord, we should be in their hands as to whether they would assent to any proposition we made.

315. Mr. *Shaw Lefevre.*] Then the public would be benefitted if they did not consent, because then the commons would be uninclosed?—That might be so.

316. *Chairman.*] The effect of that would be that no common would be inclosed, at least very few would?—I think a great many would.

317. You think they would?—I think so; because the value of these commons now for building land is so very great, that many a lord and many a commoner would rather divide between them one-third of the common than leave it in its present state; because now they get nothing for it. That may be the case in many instances. In other cases, the owners being residents, and not commoners in the ordinary sense of the word, would prefer keeping it open.

318. Mr. *Torrens.*] I should like to ask you whether the park you refer to, of Lady Jane Hay, was a recently inclosed piece of ground?—No; I believe it is an ancient park with an old mansion upon it.

319. Have the Commissioners had any applications for inclosure of Lammas land?—Very frequently.

320. What has been the result?—They have always been attended to. It is land over which the public have no right whatever. It is inclosed during a great part of the year.

321. And for the rest of the year the commoners have rights?—Sometimes outside commoners have rights upon it, and sometimes the parties who own the whole inclosure.

322. *Chairman.*] They are inclosed under the same conditions as other commons?—Yes; there we have special provisions.

323. Mr. *Peacocke.*] If the lord of the manor agrees with the commoners, he may inclose without coming to you?—He may.

324. But I want to know how many dissenting commoners will be sufficient to defeat that?—One single commoner may dissent.

325. And when you apportion lands, you apportion each according to the merits of the particular, do you not?—Yes, according to the rights of the individual upon the common.

326. Each common you propose to inclose you apportion out according to the merits of the respective cases?—Yes; claims are put in; those claims are heard, and decided by a lawyer.

327. But you have no fixed rule, I mean?—No, we cannot have in every case, and in every case there is an appeal to the courts of law.

328. Not with reference to the apportionments?—No, only in the case of right.

329. There is only one other question I want to ask you, and that is about this *servitus spatiandi* of which we have heard. Suppose that you were going to inclose some wild land in the neighbourhood of London, and a metropolitan Member told you that his constituents had the right of going over that, I suspect you would not treat that claim with very much consideration?—If anybody made a claim of that sort before us, it would be regularly tried and decided upon, and an issue might be taken upon that decision by either party, and it would be taken up to the courts.

330. I mean, what would be your practice?—Our practice would be the same in that as in any other claim; any other claim brought before us must be sustained by the party bringing it before us.

331. In your experience have you in any case recognised this *servitus spatiandi*?—We have never had such a claim brought before us.

332. Mr. *Shaw Lefevre.*] You are bound by the section of the Act?—If any such claims were brought before us, we should hear it like any other claim, and decide it. We stand in a judicial position, like a court of law; some one must claim, and some one must oppose.

333. I observe that in six of the commons inclosed since 1845, you do not state how much has been allotted for recreation; can you ascertain that for us?—I think we can ascertain.

334. In the other five you have stated what amount can be allotted for recreation; are those inclosures sanctioned by Parliament?—Yes, those are sanctioned by Parliament.

335. Barking is within seven miles of London; do you consider five acres there sufficient for the recreation of the inhabitants?—I think it is in the neighbourhood of Chigwell; it is one of a lot of inclosures there.

336. Do you consider that five acres out of 528 is sufficient, taking into consideration the general interests of the public?—Generally, I should think not. That was sanctioned by Parliament. It took place before I was a Commissioner; therefore I have no means of explaining it.

GEORGE RIDLEY, Esq., was called in; and Examined, as follows:

G. Ridley, Esq.

337. *Chairman.*] How long have you been an Inclosure Commissioner?—I was appointed in November 1860.

338. Have you had much experience with regard to these commons in the environs of London?—Very little, indeed.

339. I suppose the inclosures which take place, and which you have to arrange, are in the rural districts?—Much more in the distant parts of the country. They are not confined to rural districts. They come very near large towns at times. I should say, perhaps, the majority are concerned rather for agricultural or mountainous districts.

340. Have you made any inclosures in the neighbourhood of large towns?—Yes; there have been some made. There was a large inclosure made before I was in the office. I think it was near Coventry.

341. How

341. How near was that to Coventry?—If I remember right, it was, perhaps, two or three miles.

342. Do you recollect the size of that inclosure?—I am afraid I cannot state it. It was before I was in the office.

343. You cannot say what was set apart for the public?—My impression is it was very large, and several tracts, if my recollection serves me right. I think it must have been 20 acres in one part, and another large portion in another. I should speak with reservation on that point, because I was not in the office at the time.

344. Did they go beyond that so set apart for the public?—I think so; but I am stating from my memory.

345. But did they set apart something beyond what is stipulated for in the Act of Parliament?—Yes, they did. My view of the section of the Act of Parliament is this, that it prohibits the Commissioners from insisting upon more than a certain quantity; but if the parties apply to us for an inclosure, saying, "We propose to set out these 10 or 15 acres, because it is a convenient and a nice space," and that 10 or 15 acres is more than we could insist upon, we do not feel ourselves in any way called upon to say we won't accept that.

346. Do you think, with reference to inclosures in the neighbourhood of large towns, that it would be a beneficial course to pursue to enable the Commissioners to insist upon a very much larger space being set out for the benefit of the public than they have now the right to insist upon; with regard to the inhabitants, not merely of a particular parish, but of those who are within the area, for instance, which we have laid down as the limit of our inquiry, namely, 22 miles round London?—Certainly. In close proximity to very large towns, particularly to such a metropolis as London, it would no doubt be beneficial that there should be an extension of the land to be allotted to the public; but I should say it would be a question of degree. If you give an extension of power, it is a question of degree whether you would go 22 miles from London.

347. Do you not think that reference might be had to the mode of access from London to these particular spots; one space may be very near London, but yet your mode of access to it may be not so very convenient as another place which is double the distance?—No doubt the means of getting to a spot 22 miles from London has brought that place very much nearer the Metropolis than it was before, and therefore people are more likely to resort there than they did.

348. It would be a matter of consideration as to the scale on which it should be done?—Yes.

349. But, looking to the general question, it is your opinion that greater power should be given to the Commissioners to insist upon laying out a larger amount of recreation ground, or whatever you may be pleased to call it. Then they have at present the power to extend it?—I think that might be extended with reference to large towns and the metropolis. If that were extended it would require some alteration also in the present provisions of the Act, as to the cost of making, and for the maintenance and taking good care of those grounds so set out.

350. Will you suggest any mode by which that might be done?—The present provision of the Inclosure Act with reference to recreation grounds, is this, that the valuer sets them out for the benefit of the parish or neighbourhood, and then that is to be kept up in a proper way, by the rents derived from the herbage; and if those rents are not sufficient to cover the annual expense of keeping it up, it falls upon the poor rate of the parish. If, therefore, you are going to contemplate the setting out of 30 acres within 22 miles of London, because it is near London, or because the population of London would be able to go to it by railway, you must not throw the whole of the burden of maintaining those 30 acres on the inhabitants of the parish which is 22 miles from London.

351. You mean, I presume, the parish in which it is situated?—The parish in which it is situated would, according to the present Inclosure Act, have to maintain that recreation ground, and if you intended to set out so large a portion, which would require great expense to keep up the drainage, and so forth, you should make some alteration in the Act, and not throw the whole of the burden on the small parish.

352. May you not give them an equivalent by allowing them to build upon a portion of the land, leaving the remainder, and set apart out of the proceeds from the buildings which they would erect there, some portion to keep up the recreation ground?—I am not prepared to give an opinion as to how that security for these small parishes should be created, but I think it would be necessary. It would hardly promote the objects you have in view in getting these portions of land for the public of London, unless you provided something in that nature.

353. Are you aware of any instances where the inclosure has taken place, and recreation ground has been set apart, where it has been thrown upon the parish to keep it up?—I am not able to name an instance; but I think it must have occurred, and no doubt it has occurred. The rent of the herbage of four acres would be very small, and there are certain expenses which would be incurred. The duty of the parish officers is to keep it in the condition in which it is left at the time of the inclosure award.

354. Mr. *Shaw Lefevre.*] In inclosing land in the neighbourhood of London, do the commoners get the benefit arising from the increased value of the land as building land?—That would be rather a question to be answered by a person appointed to carry out the inclosure by the landowners, namely, the valuer.

355. They get a portion of common allotted to them?—Yes.

356. Or a portion for their common rights?—They have an allotment for their rights of pasturage, or it may be of turbary, if that exists.

357. Within easy reach of London, would that allotment have reference to the value of the land for building purposes?—I think not.

358. If at Wimbledon you have to compensate all the commoners for their rights, would those rights be valued with reference to the building value of the land?—The valuer, in most cases of inclosure, takes the poor-rate valuation as the basis of his calculation. I should be afraid to speculate upon an answer; I should think that the valuer would take somewhat into consideration the value of the land for building.

359. Is there any one in your office who is more familiar with the details?—No; those are matters which belong to the surveyor of the landowner who is called in, the valuer under the Inclosure Act; and he might, in particular cases, take such matters as that into his consideration.

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360. It is a material consideration with reference to all commons near London whether they are likely to be inclosed?—The valuer has to ascertain the value of the old inclosed land in respect of which an allotment is claimed and has been allowed; he is generally directed, I think, by the landowners, to take the poor-rate value as the basis of his calculations.

361. If a person has rights of common near building land, his share of the common rights would be proportionately increased?—It might be; the valuer is not bound to take the poor-rate valuation.

362. Who would be likely to give us the necessary information upon that point?—The most experienced man in valuations of that kind is Mr. Bryan Wood.

363. Is not the question a legal one, whether the commoner is entitled to some valuation beyond his rights of pasturage, or whether he is not to be restricted in his compensation to the value of his pasturage rights?—It would be the value of the land in respect of which he has made his claim.

364. The pasturage value?—The value of the land, *quâ* rights of pasturage, would be the value of the land, according to the number of cattle that he might feed upon the land, supposing it were kept and used for that purpose. In many cases there are rights allowed for small cottars; and that is frequently done by agreement between the parties.

365. I want to know whether the commoners on a common like Wimbledon Common would be entitled to a considerable portion of the actual soil of the common for building purposes?—If the soil is in the lord of the manor, they would not be entitled to anything in their allotment *quâ* the soil; the soil of that bit allotted to them would be theirs.

366. Mr. *Shaw Lefevre.*] Unless there is something very peculiar, commoners have only the right of pasturage only?—That is the principal right.

367. Mr. *Tollemache.*] In inclosing a common, you do not look to that only; if you inclose a common, the right of the lord is considered, and the rights of all the freeholders are considered, and their rights are valued according to the valuation of the freehold?—Yes.

368. And the common is allotted accordingly?—The common is allotted accordingly; it is not necessarily confined to rights of pasturage, because a commoner may put in his claim for a right of turbary; then if that claim is allowed, he would get some small addition to his allotment on the ground of that claim being allowed. That is not so common a case as the other, of course.

369. Mr. *Kinnaird.*] You think it would be desirable, seeing the growth and necessity of this metropolis, that some steps should be taken to defend the rights of the people in this matter?—I think that, with reference to commons round London, it might be advisable that a power should be given to the Inclosure Commissioners to insist upon a larger amount than is now specified in the 30th section; the largest quantity that we can now insist upon is 10 acres.

370. Have you any other suggestion to make with the view of securing these great ends?—I do not know that I have. I feel that the subject is full of very considerable difficulty; many remonstrances will be made by those who are now in possession of the lands, and which you must be prepared to encounter when they are brought before you. I do not know whether it has occurred in the neighbourhood of London, but in some cases the lord of the manor has parted with his interest in the soil, which perhaps belongs to the commoners only, and in such a case as that the commoners would object to giving up a large portion, and particularly within 22 miles of London, because, although people have facilities now of reaching distances from London, we know very well that it is only upon certain occasions and holiday times that they resort thither; it is not like going into Battersea Park, or other similar place close to London.

371. You may have observed that nothing has shown itself so plainly as the desire of the people to enjoy these grounds?—No doubt; but I do not think that the population of London would avail themselves of grounds set apart for exercise at that distance, so frequently as may be imagined. There is one remark I wish to make upon an answer of my colleague, with reference to public interests: it is not asked specifically whether the public have any rights or interests in Questions 23 and 24; but they would undoubtedly bring before the Assistant Commissioner at the preliminary meeting, anything in the nature of public right or interest that required protection: they frequently report that there does not appear to be any public interest requiring protection.

372. Mr. *Shaw Lefevre.*] I do not see any words in the 23d and 24th questions to indicate that it was the wish of the Commissioners to ascertain the right of the public?—I only know that that is a sentence that continually occurs in their Assistant Commissioner's reports.

373. You have, in fact, inclosed a considerable quantity of land within 15 miles of London, leaving very scanty ground for recreation?—Out of the first six inclosures in the list I referred to there were only 112 acres that appeared to be waste land, and out of which public allotments could be required. The others were commonable lands, not open to the public. In the second list I apprehend that in most cases the lands were waste.

374. In the case of Dagenham and Barking there is only an apportion of five acres?—My impression is that one allotment was set out for Barking first, and then another for Dagenham, and that they were very close to each other.

375. Do you think five acres out of 28 a reasonable allotment, having regard to the fact that it is within seven miles of London?—The words of the Act are, that it is to be set out for the parish and neighbourhood.

376. London was not taken into consideration in making that allotment?—I do not suppose it was.

377. Do you not think that there should be some such consideration within 15 miles of London?—If you think it right you may say that we should have power to insist upon more than 10 acres; but I warn you that you will have a great many difficulties started.

378. *Chairman.*] One of the difficulties being that you must pay for it?—Yes.

379. Mr. *Shaw Lefevre.*] As lords of the manor come to Parliament to enable them to inclose, it is not unreasonable to require them to set apart for the public of London recreation grounds?—Of course people will use that argument. On the other hand those who are now the owners of and interested in those lands, would say

say, "We do not admit that your great populations have those alleged rights;" they would say, "prove your rights first."

380. Viscount *Bury.*] We have heard something of a Bill relating to Epsom; can you tell us what portion of the inclosure is within 22 miles of London?—There are two Bills, one relating to Epsom Common, and the other to Epsom Common-fields. Epsom Common-fields are private property, and not waste: Epsom Common is waste; and I think that perhaps one-twentieth part of that common is within 15 miles of London.

381. Our inquiry extends to within 22 miles of London?—I should think that the whole of that would be within 22 miles of the General Post Office.

382. Does it apply to a large area?—I should think that there must be about 444 acres; but, in that case, great provision is made for public allotments. I think that two places are set apart for exercise and recreation.

383. Mr. *Shaw Lefevre.*] How many acres?—10 for the labouring poor; and, besides that, there are two places for exercise and recreation, together between 9 and 10 acres; provision is also made for holding an annual fair in the usual place.

384. What are the allotments for the labouring poor?—Garden grounds.

385. Is that under the Act?—It is.

386. *Chairman.*] Are those allotments dedicated to the public?—They are; they are set out to the churchwardens and overseers for the time being, and are divided amongst those who wish to have gardens.

387. Viscount *Bury.*] If this Bill of the Government should be proceeded with, would it interfere with any decision that this Committee might come to afterwards?—I do not see why it should, because in that inclosure great provision has been made for exercise and recreation grounds. I should observe that it has nothing to do with the racecourse at Epsom.

388. *Chairman.*] There has been some dispute, has there not, with reference to Epsom Downs?—Very likely; but it has not been brought before me officially in any way.

Jovis, 23° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Henry Baillie.
Viscount Bury.
Mr. Du Cane.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Sir John Shelley.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. John Tollemache.
Mr. Torrens.
Mr. Vance.

JOHN LOCKE, Esq., in the Chair.

The Right Hon. Earl Spencer, attending by permission of the House of Lords, Examined:

The Right Hon. Earl *Spencer*.

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389. Viscount *Bury*.] I understand you are Lord of Wimbledon Manor?—I am.

390. And you believe yourself to possess considerable rights in that manor?—Yes, I do.

391. You propose to dedicate a considerable portion of those rights to the public?—Yes.

392. Are you aware that those rights are disputed?—They are disputed.

393. And are you prepared with legal evidence to substantiate a *primâ facie* case as to the possession of those rights?—I am quite ready to produce any evidence to that effect.

394. In a letter of yours dated the 31st January 1865, and addressed to your solicitor, Mr. W. S. Forster, you state that you propose to submit to Parliament the Wimbledon Bill, amended in certain particulars, and that an opportunity will thus be given for the whole case to be fairly and temperately considered; so that if your scheme is carried out, it may be done in the form most conducive to the public interest. And you also go on to state, "I should wish my views to be clearly argued before the Parliamentary Committees; and should they prefer the proposal made by Mr. Gore, or adopt the views of any other parties who may for various reasons oppose the Bill, I shall be entirely satisfied and willing to acquiesce in their decision." Have any circumstances since occurred which would induce you to modify in any way that expression of opinion on your part?—When I wrote that letter, I was not aware I should have an opportunity of coming before this Committee; but I thought that it would go through the ordinary course of a private Bill, and that after the second reading it would be referred to a Select Committee as usual. I am quite prepared to indorse what I said then, and on certain points to weigh well, and to consider whatever suggestions the Committee may make to me.

395. But not to be necessarily exclusively bound by what this Committee in particular may decide?—No, I could not bind myself to that.

396. You would be prepared to give your fullest consideration to any suggestion made by this Committee, and to take it into your favourable consideration?—Most certainly.

397. Will you be kind enough to give us a short statement of your views respecting the Wimbledon Inclosure Bill?—I shall be very glad to give the Committee, as shortly as I can, the reasons why I brought forward the measure. It is not necessary for me to waste many words upon the altered circumstances of Wimbledon, as all the Members of the Committee are aware of the increase in population and of the increased number of houses within the last few years. That has brought about many changes in respect of the common, and many things that were no nuisances at all in former times, now that there are many more houses near the common, and the common is more frequented, have become very considerable nuisances. Within the last six or seven years I have had innumerable complaints on different subjects connected with Wimbledon, from the inhabitants and others. They complain of the drainage, of encroachments on the common, of rubbish that disfigures the common, of gipsies and tramps who frequent the common, and various other matters. The presence of the villa holders near the common has created a considerable uncertainty with regard to the commoners' rights, and also with regard to the rights of the lord. The existence of those feelings were in my opinion injurious to the public interest, as well as to my own, for I feel the importance to the public of these large open spaces, and I wished as much as possible to protect and to retain for the public the use of these large open spaces. I was aware of the strong feeling there was in connection with the preservation of the open spaces near the metropolis; and, sharing to a very great extent in that feeling, I wished to bring forward some measure which should secure to the public this large area. Besides the circumstances which I before mentioned, there have been, within the last few years, a great many schemes, which I have had some difficulty to meet, with regard to railways, public institutions, and to different companies who wished to establish themselves on the common. The uncertainty that prevailed about the different rights made it difficult for me to meet this, and for that and other reasons I felt it desirable to bring forward some scheme which should be to the advantage of the public as well as for my own satisfaction. The scheme that I proposed was to drain those parts of the common which needed draining, to improve the roads, to do away with the nuisances, to provide increased powers for removing gipsies and tramps, to arrange the common rights by compensation, to define and restrict my own rights, and to dedicate to the public a space amounting to nearly 700 acres, under proper and responsible management. I proposed to run a fence round the space that was to be dedicated in that way to the public; and I am quite prepared to urge strong reasons why I consider that a fence

a fence of some sort would be of considerable advantage to the public. I was not myself prepared to lay out any large sum of money for the purpose of drainage and improvement; but I thought that a fair way, and the only way that I could see at that time, for meeting the necessary expenses of the improvement, would be by selling outlying portions of the common. For sale I proposed to take those portions of the common which would be least missed by the public; and we divided the land into classes, so that if the first class was sufficient to meet the expenses of the Act, we need not touch the second. I reserved certain of my own rights in the common, such as the right to dig gravel, from which I derive very considerable income; but I proposed to transfer to the public my actual right to the soil. I do not know that I need continue this statement, because perhaps it would be more convenient that I should be examined on the other points. There is one point, however, that I should like to refer to, which is this: I offer to the public what I consider very considerable rights; those rights I am quite prepared to prove. As I have already stated, I am ready to consider what mode of receiving the gift would be most to the advantage of the public; but, if my rights are disputed, of course I reserve to myself the right of further considering what I shall do, and of consulting my legal advisers with regard to my position.

398. In the course of the remarks that you have made, you have already stated, that you know those rights were disputed, and that you are prepared to bring legal evidence before this Committee of those rights; I presume that your object in making that statement, is to put the Committee in possession of such facts as will enable them, in your opinion, to state to the House, that you have made a *primâ facie* case for allowing your Bill to go before a Select Committee?—Exactly.

399. And that might possibly influence the House on the occasion of the second reading of the Bill?—Yes.

400. It is with that view that you have made your statement?—That is my view.

401. Now with regard to the various points which you have mentioned: you first of all referred to the swampy and undrained condition of the common, that is one of the first points; and also the encroachment of tramps and gipsies; have you had a great many complaints of those encroachments on the common?—I have had, within the last few years, innumerable complaints by letters and petitions, and other communications, with regard to the gipsies and tramps on the common; if the Committee thinks fit, I can show them some of those reports. There is a report of a meeting which was held at Putney on the subject, in 1860, and there is also a memorial which was sent to me for transmission to the Metropolitan Board of Works, on the same subject. They express, very strongly, the nuisance which those gipsies and tramps are to the neighbourhood, and I have endeavoured, as far as my power went, to remedy the evils complained of.

402. Would you read that memorial to the Board of Works?—This is it. (*The Witness handed in the Memorial.*—Vide *Appendix.*) This is a copy of Resolutions which were sent to me as having been passed at a meeting of the inhabitants on the 15th February 1860. (*The same was handed in.*—Vide *Appendix.*) I would further add that the following clause was prepared to be inserted in an Act which was brought forward last Session by the Metropolitan Board of Works, but I believe it was not inserted in the Act:—"It shall not be lawful for any person to occupy or inhabit any cart, tent, caravan, or other moveable habitation within any part of the metropolis as defined by the Metropolis Local Management Act; and in case any person shall offend against this enactment, it shall be lawful for two justices, on the application of the vestry or district Board of the parish or district in which any such cart, tent, caravan, or other moveable habitation may be found, to order the same to be removed within a time to be named in such order, and in default of compliance therewith, to order a constable of the metropolitan police force forthwith to remove the same, and to levy and raise all costs, charges, and expenses incidental to such removal, by distress and sale of any goods which may be found in, upon, or about any such tent, cart, caravan or other moveable habitation, and in default thereof by distress and sale of such tent, cart, caravan or other moveable habitation."

403. I believe considerable doubt exists as to the rights of copyholders, commoners, the public, and the lord?—Yes.

404. Is your scheme calculated to do away with those difficulties?—It would put on a clear footing what the respective rights of the lord and the commoners are, and also the rights of the copyholders.

405. What sort of encroachments have been made on the rights?—There have been cattle turned on the common by people who claimed rights; there have been also difficulties, upon one occasion, with regard to the sale of land, and there have been indefinite claims with regard to the management.

406. You also stated that there had been various schemes of railroad and other companies?—I believe, last year, there were two if not three railway companies that wished to go across the common; and there were, I think, three hotel companies that wished to establish themselves there; one of the companies went so far as actually to occupy the land, and we were obliged to pull down the notice board, as showing what we considered the rights were.

407. The, at present, to a certain degree, undefined rights which you possess, did not enable you to deal satisfactorily with these encroachments on the common?—Not at all satisfactorily, and they were increasing year by year; the claims made became much greater, as the inhabitants increased in the neighbourhood.

408. Of course, if these hotel, railway, and other companies encroached on the common, it would interfere very materially with the enjoyment by the public of that common?—Certainly.

409. If this Bill were passed, would it enable you to give the public the enjoyment of the common?—I believe that would be the case.

410. Then as to the schemes for drainage, improvements, and fencing, may I ask what would your intention be; would it be to leave the common as it is, or dedicate it to the public?—I have no wish at all to make a London park down there; I wish to retain as much as possible the wild and heath-like beauty of the place; but at the present time it is so undrained, that at many times of the year I believe it is exceedingly unhealthy to the neighbourhood; and, in fact, anyone who has been down there for long even in the summer, in the wet weather, would see that it is quite swampy. I was there

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for a long time in the years 1860 and 1861, with the National Rifle Association, and for a fortnight, even in the month of June, it was impossible to walk over the common; it was up to one's ancles in water.

411. I think that a considerable misapprehension has arisen with regard to this being called an inclosure, the word "inclosure" being calculated, I think, to produce a false impression of the actual intention you entertain. Will you state to the Committee what sort of a fence you propose?—I propose to make a fence that will be sufficient to prevent gipsies and tramps from bringing their waggons on the common; I have no wish to make a high inclosure, but I believe that without a fence it would be impossible efficiently to prevent the encroachments of the gipsies without very great expense. There are a great many inlets to the common at various points, and the gipsies come at all times of the day and night, and it is really almost impossible, as has been reported to me many times by my common keeper, to prevent their encamping on the common. I believe there would be another advantage in the fence, which would be that the profits from the pasturage would be very much larger if there was a light fence than if there was none. I have no wish whatever to close the park practically to the public; and I have every wish to afford convenience for their entering at every point.

412. In point of fact, the fence you mean is merely a light rail round it, in order to keep cattle in, and to prevent carts coming in from the road?—Yes.

413. That is the sole meaning of the fence?—Yes.

414. To call it an inclosure is almost a misnomer?—I think it misleads people very much, because it looks like an inclosure for sale, and as if the public were to be prevented from enjoying what they enjoy now.

415. If this fence were there, carriages could enter, and also people on horseback or on foot, at any of the places at which they now enter?—We should have gates wherever there are entrances now.

416. Would it not have the effect of lessening very much the quantity of land that it would be necessary to sell for the support of your park?—I think it would.

417. Because it would make it possible to confine the cattle within a certain area?—The grazing would be much more valuable.

418. I believe Mr. Scott has already done some draining on the common?—Mr. Scott was employed by the National Rifle Association to manage their works, and the common was found to be so wet that they were obliged to drain a very considerable portion of it. Mr. Scott was employed on that occasion, and he thoroughly understands the matter: he is, I believe, agent to Mr. Beaumont, who has extensive property in Wimbledon Park.

419. In your opinion, is it essential to the public that it should be drained?—Certainly.

420. Have you had many conversations with Mr. Scott on the subject?—Yes.

421. Is he here to-day?—I believe so.

422. Is he prepared with plans showing to the Committee how the common might be drained?—I believe he has plans with him which he prepared for the National Rifle Association.

423. May I ask what your own rights have been hitherto?—I have exercised the rights of gravel-digging and turf-cutting, and of course superintendence of the management of the common.

424. Do you propose to retain these rights under your new scheme?—I propose to retain them. In the first instance I proposed to work the gravel now in the park myself, but when it was pointed out that the interest of the public might clash with my own in that respect, I proposed to have it fairly settled what my profits are, but to have it left as a rent-charge on the park, leaving the trustees to pay me that sum from whatever source they could derive the money.

425. You propose to give up all your rights to the public, reserving only the estimated value of your gravel-digging?—Yes.

426. And the residue of the profits derived from grazing?—After all the expensess of the park are met.

427. How do you propose to provide for the compensation of common rights?—We propose to meet these rights and to pay them off entirely by the sale of the land.

428. So that there should be no other rights but those of the public and your own to a certain part of the grazing?—Just so. I lay stress upon that, because I think it is very important to the public at large that the trustees alone should be responsible for the management of the park; and I believe that the commoners themselves prefer compensation, rather than allowing things to remain as they now are.

429. What is your proposal with regard to the management?—I proposed, in the first instance, to have the management vested in the lord of the manor; but before the scheme was made public I felt that the interest of the lord might interfere with the interests of the public, and I therefore introduced in the original Bill a clause placing the management under the control of some Government official. I proposed at first the Home Secretary, but afterwards I found that the Chief Commissioner of Works would be the proper person. I suggested that the whole park should be managed under bye-laws to be subjected to the official for his approval. In that way I considered I should be putting myself under the supervision of Parliament, because the control would rest with the Government official, who is directly responsible to Parliament. But at the discussions which followed my first announcement, that scheme did not seem satisfactory, and therefore I proposed to introduce an amendment in the Bill, placing the whole management in the hands of trustees, the lord of the manor being one, whilst another trustee should be appointed by the Crown, and another by the Inclosure Commissioners; and I also stated that, if three were not considered sufficient in number, I should be willing to increase the number appointed by the Crown and by the Inclosure Commissioners.

430. Is it important, in your opinion, that the Volunteers, as part of the public, should be admitted to the common?—Yes, it is.

431. Are you aware that, by other schemes which have been proposed, the management would be placed in the hands of persons who are opponents of the Volunteers?—I believe that too much power would be given to the local interest; and I know from former proceedings which have taken place in the neighbourhood, that the inhabitants have been opposed to the Volunteer movement and to the National Rifle Association.

432. Opposition has been made to the Association?—

tion?—When it was started, there was very considerable opposition on the part of the inhabitants of Wimbledon.

433. You propose to put the management in the hands of such persons as would be independent of local interests?—I want the management to be placed in the hands of independent people, not solely for the use of the National Rifle Association, but for any other national objects to which it might be thought desirable that Wimbledon Common should be applied.

434. I understand that it is by the sale of land that you propose to provide for the expenses of the scheme?—It is.

435. How are the lands that you propose to sell, scheduled on this map that has been supplied to the Members of the Committee?—The land coloured *blue*, is the land proposed first to be taken; the land coloured *brown*, is to be taken next, supposing the *blue* is not sufficient to meet the expenses of the Act; and the land coloured *green* is to be taken, supposing that the *blue* and the *brown* together should not be sufficient to meet the expenses of the improvement. When this map was prepared, we thought the whole of the land coloured *blue* was saleable; but it appears that the line of fire of some of the rifle ranges converges upon that land, and therefore the lower land is not saleable.

436. What is the estimated value of the whole of the land scheduled?—About 44,000 *l.*; there would still be a considerable portion of the common left untouched.

437. *Chairman.*] What is worth 44,000 *l.*?—The land coloured brown, blue, and green.

438. Viscount *Bury.*] That you provide, if necessary, to carry out the details of your scheme?—Yes.

439. Will you be kind enough to state what will be about the cost of the improvements?—I believe it would amount to the sum of about 14,000 *l.*

440. So that, in fact, you would have to sell but a very small portion of this coloured land?—A very small portion.

441. Could you tell the Committee what the items of improvement will be?—There will be the drainage.

442. What is the value of the drainage?—It has been estimated variously, from 3,000 *l.* to 6,000 *l.*; but I believe Mr. Scott will tell you he will undertake to drain it efficiently and completely for 3,000 *l.* The fence was estimated, when there was an idea of having a high fence, like that round Regent's Park, at 4,800 *l.*; but if it is a mere post and rail fence, which I believe will be quite sufficient, it would decrease that expense very considerably.

443. Mr. *Kinnaird.*] What would a post and rail cost?—I have not ascertained that; Mr. Scott will be able to tell you that. General improvements, 1,000 *l.*; lodges for the keepers and gates, 2,000 *l.*; and the improvement to the roads I have estimated at 1,000 *l.*

444. Viscount *Bury.*] Does that include anything for compensation?—I have not included it in that; I have not gone into that question.

445. If you put it at 5,000 *l.*, would it be above the mark?—I think it would.

446. Then the whole of that would amount to about 15,000 *l.*?—About 15,000 *l.*

447. So that out of the 44,000 *l.*, you have scheduled for sale 16,800 *l.*, or, say 17,000 *l.* only, would be required?—Yes.

448. Supposing there to be 11,000 *l.* certain, and possibly 5,000 *l.* for compensation, that would make 16,000 *l.* at the ouside; therefore you would only require to take 16,000 *l.* out of this land which is scheduled in the whole at 44,500 *l.*?—That is so.

449. What is the value of the land per acre?—Mr. Forster will be able to give you that. I believe I can give you the quantities. The land coloured pink is 688 acres, the blue is 74 acres, the brown is 42 A. 2 R., and the green is 40 A. 3 R., making altogether 845 A. 1 R. and 30 P.

450. Can you tell us the price per acre at which this land coloured blue, green, and brown, would probably be sold?—The sums to be realised by the sale of the several pieces of land coloured blue, brown, and green, are as follows, according to the lowest estimate: that coloured blue, 61 A. 2 R. 30 P., at 120 *l.* per acre, making 7,440 *l.*; 13 A. 1 R., worth 300 *l.* per acre, 3,975 *l.*

451. Is that the brown?—No, that is another portion of the blue; the blue is classed in two classes; then the land coloured brown, 42 A. 2 R., at 300 *l.* per acre, 12,750 *l.*

452. So that, in point of fact, if it amounted to 15,000 *l.*, you would have to take the whole of the blue land and about half of the brown?—Supposing the lower blue is saleable.

453. But you would not, in any case, as far as you anticipate, be obliged to take more than the blue and the brown land?—I think we might possibly want to take, now, a small quantity more, because, as I mentioned to the Committee before, part of the ground is not saleable; but if you take that out, that being 7,440 *l.* you would have 3,975 *l.* for the upper blue, and 12,750 *l.* for the brown.

454. That would make 16,000 *l.* odd?—Yes.

455. Mr. *Kinnaird.*] That portion of the blue land you would not propose to sell?—No; we reserve power only in case it should become saleable hereafter.

456. Viscount *Bury.*] You are aware that considerable objection is entertained at Wimbledon to your inclosing any portion of this land?—There is a considerable objection, I believe, at Putney and Roehampton, on the subject; I am not aware that there is so strong an objection at Wimbledon.

457. Has any alternative been proposed, by way of rate or subscription, instead of the sale of the land?—It has been proposed to raise a private subscription, or to endeavour to get a public rate.

458. Has either the one or the other of those two schemes, to your knowledge, assumed a definite form?—No; I am not aware of any steps being taken. I am rather of opinion, myself, that when it comes to a question there will be a very considerable difficulty in making a rate; directly it was mentioned several letters appeared, and I have heard that there was an expression of feeling down there against the rate.

459. Was there not a meeting at which the rate was discussed, and at which some local feeling against it was expressed?—I am not certain about that point; but I understood there was an expression of feeling at Wimbledon, by one inhabitant who moved a resolution, very strongly against the rate; but I have not got any data to go upon with respect to that.

460. In point of fact, the only alternative that you can imagine for carrying out your scheme, would be either by inclosure and sale of the land, or a rate or subscription?—Yes, unless it is purchased by some public body, or the Government, or the Metropolitan Board of Works.

461. Would there be any objection, in your view, to a local rate, supposing it were possible

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to raise one?—I should be rather afraid of the local interest predominating over the public general interest; I should prefer seeing a public responsible body in the management of the common.

462. Because you wish to give this common up to the public, and not to the local interests?—Not solely; I believe it would be of equal advantage to the locality and the public. I might, perhaps, be allowed to say, with regard to the sale of land, that I propose to give to the gentlemen in the neighbourhood who wish to purchase, a right of pre-emption; I should propose to the Committee that either individual proprietors or inhabitants of the neighbourhood, together, should have a right of pre-emption, and that a public arbitrator should be appointed to decide what the rights ought to be.

463. So that residents in Wimbledon will have the first chance of buying any portion of these lands put up for sale?—Yes; I propose that both for individuals and for public bodies, that if a certain number agree to purchase, they might come to the Committee to allow them to purchase certain portions, and then they might do what they liked; I am quite ready to propose such a clause.

464. *Chairman.*] I believe this common is nearly 1,000 acres in extent?—Yes, about 1,000 acres.

465. And your Lordship's proposition was to sell about 300 of those acres, I think?—158 A. 1 R. 30 P. is proposed to be sold.

466. The pink, I see, is 668 acres?—It is.

467. Then that is liable to be sold?—No; I propose to dedicate that entirely to the public.

468. Then the blue is 74 acres; the brown 42 acres, and the green 40 A. 3 R., what is the amount that you propose to sell?—I believe it is 168 A. 1 R. 30 P.

469. Which part is that?—Those coloured blue, brown, and green.

470. I see in this plan, here, it does not give that?—No; I got those from the valuer's report.

471. Then the brown, the green, and the blue amount to what?—158 A. 1 R. 30 P.

472. Then the whole of the remainder will be converted into an inclosed park?—No; that coloured pink.

473. Was the original proposition to convert the pink into an inclosed park?—Yes; entirely.

474. Did your Lordship propose to build a mansion in the centre of the proposed park?—I should be very glad to explain about that. I have got some land now belonging to me in the centre of the common, round a mill; I had reason to purchase the lease of that mill, and I therefore now possess the land round the mill, and also that belonging to the common keeper's house. I thought there might be a possibility, some day, of my being able to build a house, or enlarge the present house, in fact; and I therefore in the Bill reserved a clause for that, otherwise, in the grant to the public, I thought I might give away this bit of land.

475. Then your Lordship did contemplate building a mansion for your own use in the centre of the common?—I thought it possible.

476. Now the inclosure of this common necessarily involves the extinction of the present common rights, and the necessity for compensating their possessors?—Exactly.

477. Can you tell me the number of commoners that there are?—I should prefer your asking that of my steward of the manor; I only get it, of course, from him.

478. Can your Lordship say about how many notices have been given with reference to this Bill?—I cannot remember the number exactly; I think 287.

479. Were those notices to the commoners?—They were notices to all the people that might have any possible claim on the common.

480. To the freeholders?—I am not aware that they were.

481. Are there any freeholders who have common rights there?—Not to my knowledge.

482. You say there are 158 acres to be sold?—Yes.

483. That is to meet the following expenses: first, making the inclosure and converting certain roads; is that correct?—Yes.

484. Of compensating owners; of drainage; of management; and, in addition to that, the legal expenses of the Act?—The management I have excluded from that; the management is to be paid out of the current receipts of the common.

485. What are the current receipts of the park to arise from?—The current receipts of the park will arise from the pasturage, which, we believe, will be very considerably improved by the drainage.

486. That your Lordship reserves to yourself?—No; I give it up.

487. Not according to the original proposition?—You will excuse me, it was tantamount to that; because, in the first scheme, I undertook to keep up the park, and as I proposed to keep up the park, I proposed to meet the expenses of the park by the pasturage; but when I gave up the management to trustees, I likewise gave up the pasturage into their hands.

488. In the first instance you kept up the park, and you retained the pasturage, and therefore, of course, whatever surplus there was over would belong to your Lordship?—Yes, the residue.

489. Then what is the present proposition with regard to that?—The present proposition is, that the whole of the proceeds of the park should be given up into the hands of trustees; they will have the receipts from the pasturage, and also the receipts from the gravel; the receipts from the pasturage, after paying the current expenses of the park, and the receipts from the gravel digging, are to be taken to compensate my reserved rights in respect of the gravel.

490. Is the calculation which your Lordship has given, with respect to the expenses of the drainage and so forth, a rough calculation, or has it been gone over?—It has been gone over by a competent surveyor.

491. And that is the result?—That is what I believe he has arrived at.

492. Now, with regard to the compensation to the commoners, how has that been calculated?—We have hardly been able to calculate it minutely.

493. Is that a rough estimate?—It is, of course, a rough estimate.

494. Now, has not the principal question that has been raised by the inhabitants of Wimbledon, Putney, and all those places surrounding Wimbledon Common been, whether or not this common should be inclosed?—That has been put forward as the principal reason.

495. As to there being any rail, or fence, or anything of that kind?—Yes.

496. That

496. That has been one of their principal objections?—Yes.

497. Is your Lordship aware of a meeting that took place at the Lecture Hall, Wimbledon, on the 11th November last?—Yes.

498. That is when your Lordship explained your proposed scheme?—Yes.

499. On the 19th November, a private meeting of 23 of the gentlemen of Wimbledon was held at the house of Mr. Oliver, and the scheme proposed by your Lordship was taken into consideration; did your Lordship receive a resolution which was come to at that meeting?—Yes, I did.

500. "That an earnest representation be addressed to Earl Spencer, to induce him to abandon that part of the scheme which proposes to inclose the common with an iron railing, or any other kind of fence; and that inasmuch as the absence of an inclosure may diminish the anticipated value of the herbage, and increase the expenses of management, this meeting pledges itself to use its influence with the inhabitants of Wimbledon, Putney, Roehampton, and Wandsworth, in the immediate neighbourhood of the common, to make good any deficiency in the funds available for paying the annual expenses of management and control of the common, if left uninclosed; and that Mr. Williams be requested to communicate the resolution to Mr. Forster, on behalf of Earl Spencer;" did your Lordship receive that?—I did.

501. And I believe your Lordship replied to that by a letter of the 31st January 1865:—"Gentlemen,—I have had under consideration the report of the Committee which, at my suggestion, was appointed to consider the proposal with regard to Wimbledon Common. I have desired Mr. Forster to answer your report in detail, *vivâ voce* or by letter, and to furnish you with the copy of a letter which I wrote to him containing the decision I have arrived at, after considering the various objections which have been made to the scheme. You will observe that I have made two important modifications in the Bill; one with regard to the management, and the other with regard to my reserved rights. Though they do not entirely coincide with the suggestions made by you, they will, I think, to a great extent, meet your objections. I am of opinion that the inclosure will be an advantage; and on that, and other points of my scheme, I should prefer leaving the decision in the hands of Parliament. I do not wish from personal motives to press the questions on which we differ; but I wish the public to have an opportunity to select the scheme which will best suit their interests. I shall be glad to meet the Committee, and discuss any points of detail as to the land proposed to be sold, or as to the roads (which are not in the deposited plans laid down according to my intentions), or on any other points about which they may wish to speak to me. If I can meet their views, it will afford me much satisfaction. I have, gentlemen, the honour to remain, yours faithfully, *Spencer*."—Several meetings have been held since that larger meeting, have they not?—Yes, they have.

502. Meetings at Putney, and in all the different localities which are at all really interested by a proximity to Wimbledon Common?—Yes.

503. Have they not all of them invariably come to this resolution, that they object to any inclosure of Wimbledon Common?—Those meetings have all passed resolutions to that effect.

504. Is it, then, your Lordship's wish, in accordance with the statements in those letters, that the opinion of this Committee should be expressed upon that point, this being a Committee which is appointed for the purpose of considering the open spaces round the metropolis, and that they should come to a conclusion as to whether or not the inclosure of Wimbledon Common would be advantageous or not?—I should be very much obliged to the Committee to discuss that point, after hearing all that has to be said upon it.

505. That is to say, whether the advantages which your Lordship proposes to give under your scheme are of that nature, that they would counterbalance the advantage of keeping up Wimbledon Common along with other commons surrounding the metropolis as an open space?—Well, my opinion is that it will remain an open space still; but, as I said before, it would be of great advantage to me to have the opinion of this Committee on that point.

506. Supposing that this Wimbledon Common were kept as an open space, would not the expenses of keeping it up be necessarily very much diminished?—No, I do not think they would.

507. You have set down for the fence 4,800 *l.*?—If a high fence.

508. We did not arrive exactly at the sum which it would be necessary to pay for a fence of another description. I suppose it would be a considerable sum of money?—I overlooked that inquiry before I came; but I believe it would be much less.

509. That expense, whatever it might be, would be entirely got rid of?—That expense would be got rid of, but you would not have such large profits from grazing, and in my opinion, there would be increased expenditure of supervision.

510. There is 2,000 *l.* for lodges, that would be got rid of?—It would be got rid of in one way, and put on in another, because the men that you had to look after the common would require to be paid more wages if they were not provided with houses.

511. There is a sum of 3,000 *l.* which your Lordship puts down for roads; if the common were left open as it is, any alteration in the roads would be unnecessary?—I believe it is exceedingly desirable that an improvement to the roads should take place, whether the common is left open or inclosed.

512. But there is a proposition, if I recollect rightly, to alter the roads which is made necessarily the circumstance of inclosing the common?—I believe it would be very desirable to have an improvement such as I am now proposing whether the common is inclosed or not.

513. You would divert the roads and take them in another direction?—The only proposal that I now make, unless the inhabitants are in favour of a diversion of the road, is to continue the road which now exists incomplete from where the ranges are; there are some gravel pits there; and I propose to improve that road which passes by the windmill, and continue it up to the block of buildings where No. 16 is marked on the right of the strip of blue land on the plan. There is a large traffic from Roehampton to the village of Wimbledon, and I believe if that road were made good, and improved, which it could be at a small expense, it would be a great convenience to the public, and would relieve the roads now running in front of the villas by Wimbledon Park. You asked me just now what would be the cost of the post and rail. I find it would be about 1,056 *l.*

514. Now, what would be exactly the proposal as to the fence; what description of fence would

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"the post and rail" be?—It might be one with a chain, or it might be merely two bars.

515. Then if that were the case anybody could get over it just as they liked?—Yes, but waggons could not get in; it would keep out the waggons.

516. Do you think it would keep out the gipsies?—I think it would keep out the gipsies' waggons.

517. But it would not keep out a gipsy, supposing he left his cart in the road; but I suppose they go into the centre of the common?—They go into the corners of the common.

518. Then they might be close to the posts and rails, and might leave them out in the road?—They might leave it in the road.

519. Now, supposing this inclosure were given up, would there be any necessity at all for a sale of any part of the common?—Yes, for the drainage and compensation for the common rights.

520. But supposing you did not compensate the commoners, but left the thing just as it is, and only adopted the draining, might not that be very easily effected by a subscription amongst the inhabitants, such as is suggested in that resolution which I have read?—It might be done, but I do not feel certain whether, when it comes to the point, they will be able to raise a sufficiently high subscription.

521. At all events it might be done by a rate?—If a rate is possible, but I can hardly judge of that.

522. Oh, yes, it is possible by an Act of Parliament, supposing the inhabitants like to apply to Parliament to enable them to buy a rate for the purpose of the common, that might be done?—Certainly.

523. Supposing there to be only the draining and the management, it might be done at a comparatively small expense?—It might be done, I suppose.

524. However, I suppose your Lordship has not made the calculation?—No.

525. Your Lordship has proposed by your Bill to put an end to the rights of the commoners, and to compensate them?—Yes.

526. Have they agreed to that?—Yes, they did.

527. When was that?—I have not got the date before me; but the matter was laid before the homage jury of the manor, and they passed a resolution in favour of the measure.

528. Of whom does the homage jury consist?—My legal advisers can better answer that question than I can; but I believe the homage jury consists of representatives of the commoners.

529. There has been no meeting of the commoners?—The commoners were, I believe, invited in a body to that meeting at Wimbledon which I held.

530. How many were present?—Unfortunately there was not a large number present.

531. About how many were present altogether?—It was a small number.

532. A very small number, was it not?—I think so; but the commoners present and the copyholders unanimously passed a vote in favour of it.

533. Were there 50 commoners present?—I really cannot answer that question.

534. For an Inclosure Act it requires two-thirds, does it not?—Two-thirds of the value of the property, not two-thirds in number.

535. Is that so under the Inclosure Act?—I believe so; but that is a legal point upon which I do not wish to give a positive opinion.

536. Your Lordship does not consider this as an inclosure, therefore we had better treat it without reference to the Inclosure Commissioners?—Yes.

537. Is your Lordship aware that, supposing you were about to put in force your rights as lord of the manor, that you could not inclose that common if one commoner chose to object?—Supposing that commoner has proved his rights, I believe that is the case, that is, when the lord is proceeding without an Act of Parliament.

538. Your Lordship could not inclose a common, if you wished to inclose it, supposing one commoner objected?—I do not quite follow that; my belief is that I can inclose in two ways: I can inclose by common law, provided I leave sufficient to satisfy the wants of the commoners: and I can inclose by a custom of the manor, provided the homage approve of it, even though there is not sufficient left to satisfy the wants of the commoners.

539. That is a custom of that particular manor?—Of that manor, and others.

540. However, no steps of that sort, as I understand, have been taken?—No, the matter was discussed at the homage; but I have not followed the usual course of inclosure.

541. That is a peculiar custom?—I believe so; but that is a legal point with which I am not conversant.

542. When your Lordship alluded to that, I presume your Lordship referred to the Statute of Merton?—I have heard of the Statute of Merton.

543. Your Lordship was alluding to that when you said that if you left enough for the wants of the commoners you might inclose; but your Lordship might, under an Act of Parliament, inclose other parts?—I might, for my own purposes; but I was not aware that this was under the Statute of Merton.

544. Is there not great difficulty with regard to the Statute of Merton, or has your Lordship pursued it with regard to Wandsworth Common; was it under the Statute of Merton that those inclosures took place on Wandsworth Common?—I believe so.

545. It is part of the same manor, is it not?—No; part of the pink land is in the manor of Wandsworth.

546. With regard, for instance, to the school on Wandsworth Common, was that done under Act of Parliament?—All the inclosures of Wandsworth Common, with the exception of one, were done before I succeeded to the estate, therefore I cannot answer from my own knowledge; but my steward of the manor will be able to give you all the information upon it. The only inclosure that has taken place on Wandsworth Common since I succeeded to the title was one which was done under Act of Parliament, by compulsory sale to a railway company.

547. Then nothing has been done since your Lordship has been lord of the manor by you, as lord of the manor?—Excepting that case.

548. Upon what principle is it that these particular lands which are set out to be sold have been selected?—I selected those which I thought would the least injure the common.

549. I see here is the high road to Kingston, and the whole of the green is on a different side of the high road from the pink, and it runs all alongside the road?—Yes.

550. Was that with a view to building houses upon it?—I imagine if the land is sold, houses will be built upon it.

551. That part is, I presume, eligible, as being at the side of the road?—Yes.

552. Then

552. Then with regard to the blue, that is, I see, to have a road diverted through it?—There is a road, I believe, there now.

553. There is a road diverted, is that to go through the blue?—Part of it does.

554. There might be houses on the side of that?—There might be.

555. And all along the other part of the blue there might be houses?—Certainly.

556. There is a place here called Putney Bottom; it might go right up there?—We do not consider that the lower blue land fit for building: it is very low, but the upper land I should certainly consider building land.

557. Now supposing there is a surplus after paying the expenses of the park, and so forth, to whom would that go?—It would be in the hands of the trustees, but the surplus would be exceedingly small, because we should not sell any more land than we actually required.

558. Is it to be sold, or let on building leases?—I propose to sell it.

559. Is it stipulated distinctly in the Act of Parliament that it must be sold?—I think so.

560. Your Lordship has stated what your rights are with regard to digging gravel; has your Lordship any other right?—I have the right of cutting turf, and of grazing.

561. Then you have the ordinary rights; at least perhaps digging gravel may be considered not quite an ordinary right?—I am not aware of that.

562. Those are the three rights which your Lordship has?—Besides the other rights under the common law, and of sale.

563. But as to the enjoyment of the common, digging gravel, cutting turf and grazing, your Lordship has those rights?—Yes.

564. Now what are the rights of the commoners?—Those commoners who have rights have certain defined rights of pasturage; the steward will give you full information about that; I am quite ready to state it from my own knowledge, but it would be perhaps repetition if he has to give it a second time.

565. Have they a right of digging gravel?—I believe not.

566. Or cutting turves?—No; I believe there is a right of cutting pollards, of which there are none left.

567. Has your Lordship's attention been drawn to a Bill which was passed in this House for Durdham Downs, near Bristol?—Yes.

568. Have not those downs been dedicated by Act of Parliament to the public?—I believe they have.

569. For the purposes of recreation?—I believe so.

570. Have not the rights of the commoners been retained although that dedication has taken place?—Having been ascertained, I believe they were retained.

571. Were they defined?—I am not quite sure; I know they were registered beforehand; I understand so.

572. Now these downs, I believe, are closer to a large population than Wimbledon Common is?—Yes, they are close to Clifton.

573. And they contain 500 acres?—Very likely.

574. Now considering that which I believe has been found to answer particularly well, would it not be advisable to allow the inhabitants of Wimbledon and the neighbourhood to appoint keepers, and generally to manage the common for the benefit of the public in the same way as Durdham Downs has been; does your Lordship see any objection to that?—I am not quite satisfied in respect of that; I think it would be better to have a body more responsible to the nation; I should point out that the managing body there, I believe, are the lords of the manor who, instead of being one person, are a corporate body, and they retain the management in the same way that I at first retained it as lord of the manor.

575. Mr. *Locke King*.] I think your Lordship said that your object was to present this Bill in the most acceptable manner you could?—Yes, it was.

576. May I ask you in a general form what you consider that to be?—I think it is ensuring the public this space, coloured pink, in perpetuity, and taking away all possible chance of that portion of the common being built over.

577. The park, in round numbers, amounts to nearly 700 acres?—Yes.

578. Then as regards the 300 acres, would you consider that that belonged to the public or yourself?—I propose to sell that portion of it which is required for the purposes of these improvements for the benefit of the public, and the remainder remains in the same position in which my other common property is.

579. Then according to your Lordship's plan, if it were carried out, the enclosure would be of the 700 acres, and a portion of the 300 acres would remain uninclosed?—Yes.

580. And the tramps could go there?—They could go there if it is a place convenient for them, but I do not think it is.

581. Then I may ask your Lordship whether if certain means could be adopted to keep them off the 300 acres, the same means might not be adopted to keep them off the 700 acres, without fences?—I rather differ from you upon that point, because there are so many more means of access to the 700 acres; the space is so much larger, and it is intersected with roads, and there are not the means for the gipsies to hide themselves as there are in other portions of the common.

582. Your object is to drain the common, to prevent encroachments, and also to keep off the tramps?—It is.

583. Do you not think that that could be accomplished by some more simple means of having keepers?—I do not think it would be accomplished very effectually.

584. Because, if I understand, with your plan of a low fence, the tramps with their waggons could not come on to the common?—They could get out of their waggons, and that is a great nuisance.

585. I think you said early in the day, that you would not be bound by the decision of this Committee, but you would be bound by the decision of the other Committee, before whom this matter will come?—On points of detail and the right of the sale of the land, I should of course weigh the opinion of this Committee, and also the other.

586. Then, practically, the decision which this Committee comes to, will be of very little use?—The decision will be of considerable use, because it would not be of any service to me to go to the House with the unfavourable opinion of this Committee.

587. If the decision of the other Committee should be against your Lordship, should you in

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that case withdraw the Bill?—I really should not like to pledge myself to that; I must keep myself open as to the course I shall follow.

588. You are aware that there is a very decided feeling amongst the inhabitants generally against the Bill as it now stands?—There is a general feeling against it by a portion of the public down there, but there is a very considerable portion of the public who are in favour of it as it now stands.

589. Sir *John Shelley.*] I suppose you will say that, looking at the whole of this subject, there are two sets of persons interested in this question, one being the persons residing close to the spot, and the other the general public living in the metropolis?—Certainly.

590. I understood you to say just now, that your great objection to having keepers appointed by the inhabitants living on the spot, was that you thought it possible, particularly with reference to the Rifle Volunteers, that they might be inclined to interfere with what the general public might desire?—Certainly.

591. And therefore you preferred proposing that this common should be inclosed, or be put under the control of trustees appointed by Government, or Government officials, rather than those residing on the spot?—Yes.

592. And your object in that was that the views of the residents actually on the spot should not prevent the interests of the general public from being looked to?—I do not wish the local interest to predominate. I should wish them to be represented, but I should wish the public interest to be looked to by a body more responsible.

593. Then I should like to ask you whether, wishing that all parties should be represented,—not the residents only, but the public at large,—you do not think it would be better to place this under the management of the Metropolitan Board of Works, who are an elected body, rather than trustees?—Very possibly.

594. Do you not think it would be a more popular representation to have it under the control of the Board of Works, which has already under the Act of Parliament control over the open spaces of the metropolis?—I should be sorry to pledge myself to that; but as far as my present opinion goes, I do not see that there could be any objection, supposing Parliament likes, to repose this trust in the Metropolitan Board of Works.

595. With regard to the question of fences, I should like to ask how you propose that this common, if fenced by any fence at all, having gates and lodges, shall be open at all times, as it is now, for the use of the public, because I take it for granted that there would be regulations as to the time for closing the gates, and so on?—We take power for that; I do not know whether it would be necessary to exercise it, but I believe it would be regulated in a similar way to Richmond Park.

596. Then does it not strike your Lordship directly, that there is this objection, looking to the question of the volunteers, which is one of the points which I believe you look to as one of the national objects, volunteers are shut out of these parks at sunset, very often?—I do not say that that would be so at all; I have no wish to shut them out.

597. I only put it to you because it is the case that volunteers are shut out of other parks at sunset, and what I ask you is, do you suppose, in this case, that the same course would be adopted?—No.

598. It is one of the clauses in the Bill, that it shall be open from sunrise to sunset?—That is only to give the necessary powers to the trustees, but it may be varied.

599. Then that being so, the trustees would have the power to close the gates at sunset, and the practical result would be, that it would not be, as now, open to the public?—That is not at all the intention.

600. Would you be prepared to take out that clause whereby the gates may be closed by the trustees at sunset?—I have no objection to that; I have no personal feeling in the matter at all. I have given my reasons for a fence, but I do not wish the fence to exclude the volunteers.

601. The fence entails gates, as a matter of course?—Yes.

602. Then, I ask you again, whether, if that Bill is to go on, you would be prepared to withdraw that clause whereby the trustees have power to close the gates at any time?—If necessary, I should be.

603. Perhaps you propose to put such a fence as any individuals, Volunteers or others, could get over, but which would exclude cattle?—That is exactly my view.

604. And therefore, under those circumstances, that clause would not exclude individvals, though it would exclude carriages or carts from going in, or cattle from coming out?—Yes.

605. Mr. *Tollemache.*] I understood your Lordship to say that the estimated value of the land which you propose to take powers to sell is about 44,000 *l.*?—Yes.

606. Can you give me the estimated value of each portion coloured on the plan pink, blue, brown, and green?—I have already given the information.

607. Have you any other claim upon this common with the exception of that of lord of the manor?—No; I have no other claim.

608. I mean as a landed proprietor?—I have some freehold.

609. With the exception of that freehold property, all that you claim consists of rights as lord of the manor?—Yes.

610. Can you tell me whether there is anything peculiar about the rights of the lord of the manor of Wimbledon?—I know more about my own manor than about the general law, and therefore I can hardly answer your question.

611. There is nothing like free-warren, I suppose?—I believe not.

612. Your claim upon this common is that of lord of the manor?—Only as lord of the manor, I believe.

613. Mr. *Hanbury.*] I think you say that your object is to secure this open space to the public for recreation. May I ask whether there is any probability of that space being built over, according to the present circumstances?—There is a possibility. Supposing my property changed hands; the new holder of it, if he were desirous of realising the utmost amount from it that he could, might be obliged, almost from circumstances, to do so. And then it might be bought up by a speculator, for the purpose of re-selling it for building purposes.

614. I think you stated, in answer to a question by the Honourable Chairman, that there are some altered circumstances which prevent you from

from adhering to your former pledge as to being bound by the decision of the Committee on the Bill. What are those circumstances?—I referred to the circumstance of my Bill being referred to a Committee. I was not aware that this Committee was going to be appointed.

615. Mr. *Peacocke.*] Since you have been in possession of this property, have you inclosed any of it?—Wimbledon Common?

616. Yes.—I know that there has been one inclosure, if not two.

617. Have you put up any buildings?—I have never put any up myself. I am not aware whether the persons who bought the property have done so or not.

618. Were these inclosures made under any Act of Parliament?—No.

619. Then how were they made?—By my common-law right, I imagine.

620. To what extent?—I cannot answer that question off-hand, but not to a large extent, certainly.

621. To the extent of 20 or 30 acres?—I should imagine quite that; but my steward will be able to give you the information.

622. Mr. *Baillie.*] Are you aware that similar complaints have been made with regard to gipsies and tramps encamping upon Barnes Common and Putney Heath, and that the magistrates, by the arrangements they have made, have put an end to these complaints?—The memorial which I put in referred partly to lower Putney Common. I believe that the measures which have been there taken have removed to some extent the evils complained of.

623. Mr. *Du Cane.*] What is the extent of the land which you propose to reserve to yourself?—I cannot really tell; some two or three acres.

624. According to your plan, as I understand it, you propose to divert certain roads; are there any roads in existence for carriage traffic?—There was a misunderstanding there; I had no intention of making such extensive alterations as appear upon the plan. I have no intention of making such an extensive alteration with reference to the road down Robinhood-lane. In fact, I have no wish to make any road there.

625. You have no intention of inclosing any road that now exists?—No.

626. Mr. *Vance.*] May I ask why you did not proceed with those improvements by the ordinary measure of an Inclosure Bill?—I thought that in offering this to the public, it would be an easier and more proper course to come to Parliament in the way I have done.

627. But you are aware that the Commissioners have power to reserve an open space for the public under an Inclosure Bill?—Precisely; it is a very small space.

628. And you are also aware that the Committee on the Bill has the power of extending that space if it thinks fit?—I am not aware of the details.

629. But you thought this was a more liberal measure towards the public than you would effect by the Inclosure Bill?—Yes, I did.

630. With regard to the objection to the right of the volunteers assembling on Wimbledon Common, is it not on account of firing and some other inconveniencies, and not from any dislike to the volunteer movement generally?—I believe there are very few who do openly show dislike to the volunteers; but they give a reason in the report which is not, in my mind, a valid one: they state that instead of using some of the butts of the National Rifle Association, they use another part, which was the most beautiful in former days. With regard to that, I can show that the National Rifle Association butts cannot be used, except when the whole ground behind them is clear: they would be dangerous to be used that way, and the only spot affording, as I believe, these facilities to the volunteers was the spot on which the Civil Service and Scotch ranges are now placed.

631. Have you had many reports recently with regard to the gipsies encamping there, or are they only of ancient date?—I have one or two, I think, last year, and I believe other complaints have been made; certainly, at a meeting held on the 11th November, there was a very strong statement made by a clergyman there on the subject of the gipsies.

632. Have they committed depredations in the neighbourhood, or anything of that sort?—I have not heard any recent complaints of that sort.

633. And what do the complaints amount to as regards the gipsies?—That they are not accessible to sanitary arrangements; that they bring infectious diseases into the neighbourhood; and that, in some places, they allow their donkeys to stray into the gardens; some gentlemen, however, say they are not gipsies, but tramps, who are immoral in their conduct; they distinguish between gipsies and tramps; I confess that I have some difficulty in making the distinction myself.

634. Mr. *Torrens.*] You have said, that the inhabitants have applied to you for the inclosure of this common?—For improvements.

635. Will you mention who the parties were?—They are people who met me, and entered into conversation on the subject.

636. You say 287 notices were served on persons?—I believe so.

637. What was the reply you generally got from those persons?—I believe the majority gave their consent; my steward of the manor will be better able to give you that evidence.

638. Of what extent is Wimbledon Green?—I cannot say, but it is considerable.

639. Would it be as much as 100 acres?—No; I should think probably about 50 acres.

640. And this portion would be the extent of the portion which, according to the plan, belongs to His Royal Highness the Duke of Cambridge?—I cannot tell; it is a freehold belonging to the Duke.

641. Is it inclosed?—It is inclosed, and has been so for many years.

642. As regards Wimbledon Green, is it not possible that gipsies and tramps might still encamp there?—It is very unlikely they should, but it is possible. We have photograph vans occasionally there, but those we rather permit than otherwise.

643. In fact, I understand that gipsies might encamp there without objections being made?—There would be objections made by all the inhabitants around.

644. Mr. Alderman *Rose.*] You are the lord of the manor of Clapham, Wandsworth and Wimbledon, are you not?—I am lord of the manor of Wimbledon and Wandsworth, and part of the common of Clapham is within Wandsworth; I believe 40 acres of Clapham.

645. You stated, in answer to a question by the honourable Member for East Sussex, that your object in promoting this Bill is a public one?—Yes.

646. I suppose we may take it in addition to the

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the public interest; you have a private interest as well?—It would be a satisfaction to me to have it properly settled.

647. Ay or no, have you a private interest in the Bill; that is to say, you will acquire some rights which you have not now?—I shall not acquire any pecuniary interest at all.

648. What would become of the surplus, supposing there is a surplus on the sale of any of these plots of land?—Supposing there is a surplus it would be in the hands of the trustees.

649. Would you allow me to ask you, as Lord of the Manor of Wandsworth, the circumstances under which the inclosures on that common have taken place?—With the exception of the railway, which is done under Act of Parliament, I think all those inclosures were done under the Statute of Merton, as I have learned since I came here.

650. By your predecessor?—By my father; I believe I only sold one portion to the railroad; that has already been negotiated for.

651. I presume the railway, in applying for an Act of Parliament, only take within their limits of deviation; they could not take general powers to deal with your common?—No; but I believe they took general powers in order to make a large station; that was the explanation that was given to me on the subject.

652. Then, if it were said that the encroachments upon Wandsworth Common were carried out under the authority of a railway Act of Parliament?—That is not correct; it was not done under an Act of Parliament that I know of.

653. Do you happen to know any of the circumstances under which Mr. Mackeller holds any part of Wimbledon Common?—I have heard something of it; I know that he applied to me for further powers, which I refused to give.

654. I apprehend that those buildings put upon the land originally sold by you or by your predecessors to Mr. Mackeller, are put up without title?—I cannot say.

655. Then I understand that all you know of the encroachments on Wandsworth Common is that they are carried out under the Railway Bill?—All those that I have personally made were carried out under the Act of Parliament; I forget the extent of it; it is very small; only a few acres.

656. The railway company have a large extent of land?—They have altogether, I believe; the portion I sold to them did not amount to much.

657. How did they get it?—Under the powers of the Act.

658. Is not a great bulk of Wimbledon Common already drained?—No.

659. Has it not been drained by the Rifle Association?—Very badly indeed.

660. Would not the cost that you estimate for the paling, fencing, and lodges, supposing that that amount could be raised, be sufficient to effectually drain the whole?—The drainage I estimate at about 3,000 *l.*; part of that is already done.

661. You have said there is 150 acres of land (coloured blue, green, and brown on this plan) which are valued at a certain price; do you know anything of the value of land on Wimbledon Park side; what would that land fetch?—I believe it has fetched enormous sums.

662. Was it not something like a thousand pounds an acre?—Not when the land was first sold; but I believe now that Mr. Beaumont gets something like that.

663. Supposing you get sufficient from the part coloured blue, what is to become of the green?—It will remain as it is.

664. Open?—As all the rest of the common is.

665. Have you any returns of the number of gipsies you complain of?—No; a gentleman the other day stated to me that near his house there were frequently as many as 40 gipsies during the day, and that there was a camp there.

666. You have no personal knowledge?—I have not.

667. That is your great objection to the gipsies?—It is one objection.

668. Mr. *Shaw Lefevre.*] May I ask your Lordship what income you derive from the common from the sale of the gravel?—I will put in a statement with regard to that. It is rather difficult to arrive at the particular income I derive from the common, because there are several pits, and some years some of them are at work, and in other years others are.

669. Has that income been very much increased of late years in consequence of the building operations?—It has, certainly.

670. Has your Lordship been put to any expense in keeping tramps and gipsies away?—I have a common keeper, and the men who are employed to get gravel I also employ to keep off the tramps and gipsies.

671. If the common were left open do you think there would be a considerable increase in the common keepers?—I think there would be a very considerable expense.

672. Is part of the expense, do you think, owing to the cattle being there?—There would be a certain expense with regard to both items.

673. Do you consider the Bill as it now stands secures to your Lordship an income equal to that which you have been deriving for the last 10 years from the common?—That would depend upon the settlement by arbitration. What I ask is, that it should be valued at its proper value.

674. You have no wish to gain any further advantage than you have been deriving hitherto?—None whatever.

675. Supposing any means were found of securing to your Lordship, by a charge elsewhere, this income which you have been deriving, would your Lordship be induced to consider the propriety of not having the fence?—I should be very glad to consider it.

676. And supposing, also, the expense of supervision of the common were provided for elsewhere, do you think there would be a possibility then of dispensing with the fence?—Provided the management is in the hands of independent people.

677. I think your Lordship has found it necessary to come to Parliament in consequence of the manner in which your estate is vested in you, without regard to the question of the commoners?—No, I do not think so.

678. Are you tenant for life?—No, I am not; I am absolute owner.

679. Mr. *Kinnaird.*] Do you consider now that you have a right to put a fence, without any Act of Parliament, around any portion of the common?—Certainly.

680. That you have a right to fence?—Yes; I have a right to approve by common law.

681. And

681. And to make a bank, and to put gates on?—I may do anything I choose with that land.

682. Therefore when, in answering a question, you said you considered it a gift, and, in making that gift, you had reference to its being near a large town, and you thought you were offering a boon, with reference to the public of the metropolis?—Yes.

683. Not to the people near the common?—No; I have always felt the desirability of open spaces being kept near large towns.

684. Have Her Majesty's troops any right to go on the common, without your sanction, to exercise?—I am not aware that they have.

685. Have you any defined right of warning off tramps?—I believe I have only the legal power to seize their horses and their carts.

686. Have there been any fires on the common?—Very constantly at one time, and I have seen them myself.

687. Are they likely to do great damage?—Yes, they are. It is very difficult indeed in dry weather to put a stop to them.

688. Mr. *Shaw Lefevre.*] Is Wimbledon Green part of the manor?—Yes, it is.

689. Have you provided for that being used by the public?—It is not mentioned in the Act.

690. Mr. *Kinnaird.*] Have you ever any complaints of the necessity of bringing tramps under some measure on account of the great indecency of their proceedings?—I have.

691. Have you any reason to believe that those accounts are not exaggerated?—A gentleman who came to me the other day, and who took the side of the gipsies, described to me some indecent proceedings that took place with certain women who were not gipsies. They did commit acts of indecency.

692. Do you think it is desirable to put them under control?—I think it is.

693. Mr. *Locke King.*] Let me call your Lordship's attention to a letter from Mr. Forster to Mr. Redgrave, dated 4th Feb. 1862, in which Mr. Forster, on behalf of your Lordship, says: "Lord Spencer has no idea of blindly insisting on his own opinion, and withdrawing the proposal unless it be accepted exactly as he has proposed it. He is aware that Mr. Gore's view is shared by many others, and that very possibly it may eventually prevail; but he believes that the grounds on which his own opinion has been formed are at least worthy of consideration, and that for this reason they should be laid before Parliament. He wishes this to be done in a perfectly temperate and friendly spirit, and all parties to be heard; and then if the Committee to whom the Bill is referred should come to the conclusion that the inclosure is undesirable, he will readily consent to abandon it"?—That refers to the other Committee. I have no hope of carrying the Bill if the Committee reports against it. I have no wish to make a desperate fight with the inhabitants down there if the public generally share their feelings in any degree. I must reserve to myself, however, my legal rights, if my legal rights are attacked. If it is said that I have no ground for offering what I propose to give to the public, then I reserve to myself the right of withdrawing the Bill.

694. *Chairman.*] What the honourable Member intended to ask you, I think, was this, whether, supposing that the Committee upon the Bill should come to the conclusion that an inclosure is not to be desired, and they alter the Bill in that respect, your Lordship would be satisfied to still go on with the Bill without a fence?—I believe I should, provided my rights are clear; if I am told I have no right, I should take a different ground; I must then say that I consider myself absolved from the offer I made, and should take whatever steps my legal advisers recommend.

695. Then you would not be bound by the decision of the Committee?—I suppose if it arrived at that my rights would be acknowledged.

696. Your Lordship would not consider yourself bound either by the decision of this Committee, or of that Committee, but your Lordship would retain to yourself the right of withdrawing the Bill altogether?—Yes, I cannot bind myself unconditionally to say that I will accept whatever decision the Committee may arrive at.

697. Sir *John Shelley.*] Am I to understand you to say that amongst your rights you consider that you have the right as it is now of inclosing the common?—I believe I have.

698. You claim, as it is now, the right of putting a bank and paling all round the common if you think fit?—Yes, I must satisfy the common rights; subject to that I can do so.

699. *Chairman.*] Supposing this Committee determined that a fence is undesirable, would you consent to abandon the fence?—I think very probably I should.

700. Mr. *Shaw Lefevre.*] You wish to give to the public your rights?—If my rights are disputed, I do not wish to offer what I cannot give; I wish to reserve to myself a judgment on that matter with regard to my rights.

701. Sir *John Shelley.*] I understand you to say, that you consider you have now the right of putting a fence round that common, provided you have the consent of the commoners?—Provided I have sufficient to satisfy the common rights that now exist.

702. You claim the right now to make the fence, provided you reserve to the commoners sufficient to satisfy their rights?—Yes.

703. That is your opinion of your rights?—Yes.

704. Mr. *Torrens.*] Even without their consent?—If I have sufficient to satisfy their rights.

705. Mr. *Hanbury.*] What will be the legal position of those parts of the common which are not to be inclosed or sold, after the Bill has passed?—They will remain in the same state as the whole of the common is now.

Mr. William S. Forster, was called in; and Examined.

706. Viscount *Bury.*] You are Steward to the Lord of the Manor of Wimbledon?—Yes.

707. And you have been so since November 1863?—Yes.

708. Wimbledon Common is part of the manor of Wimbledon?—What is popularly known as Wimbledon Common.

709. Lord Spencer is absolute owner of the common, I believe?—Yes; it is part of the manor.

710. Does it belong to him solely, or subject to rights of common?—Subject to whatever common rights may exist.

711. Are you aware that Lord Spencer proposes

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poses to dedicate all his rights to the public?—Yes, on the terms of compensation as to part.

712. And objections have been raised?—Yes.

713. By whom are those objections raised?—They are raised by some of the residents in the neighbourhood of the common.

714. In order, I suppose, to make a valid objection, the objectors must have some rights of their own?—In order to make a legally valid objection.

715. Have the objectors to this scheme, in your opinion, as a legal gentleman, rights which entitle them to make these objections in a legally valid manner?—There are some of them who are copyholders of the manor, and assuming that they have any common rights, as commoners they would have a legal *locus standi.*

716. You are come to speak to Lord Spencer's legal rights?—Yes.

717. And are you prepared to adduce any other evidence as to his legal rights than your own *ipse dixit?*—I can adduce the opinions of those who are much more qualified to speak on the matter than I am, namely, the opinions of various counsel; or I can produce the documentary evidence on which those opinions were written.

718. You could produce the cases submitted to counsel, and the opinion of counsel on those cases?—Yes.

719. Do you believe the public have any particular rights in Wimbledon Common?—Not that I am aware of.

720. Speaking of the Manor of Wimbledon especially, to whom are those rights confined?—I should say the rights were confined to three classes of persons: to copyholders, entitled to certain copyhold tenements; to grantees by the lord; and to persons able to establish a claim by prescription, a right established by user for a certain number of years.

721. Are all copyholders entitled as of common right?—No.

722. What portion of the copyholders are entitled in this particular manor?—Two classes; first, those who hold an undivided and uninclosed 15 acres of copyhold land, which has been an undivided and uninclosed 15 acres from the time of legal memory, which would be from the reign of Richard the First, and secondly, those who have a cottage which was an existing cottage at the time of Richard the First. Those are the only two classes who, according to the custom laid down in the books, have any common rights.

723. You say an entire, uninclosed tenement; if that tenement has been at any time broken up and pieced together, would that destroy the right?—I am so advised, and that is my opinion.

724. Supposing that to be the law, which you have stated, are there any common rights on Wimbledon Common?—There are certainly no common rights under the head of the 15 acres, and I do not imagine there is any cottage which was in existence in the reign of Richard the First.

725. Are common rights, when once lapsed, revivable again? If a common right has ceased to exist, is there any machinery by which the person living in that tenement may recover that right?—Not such rights as these. The lord might recreate the common right which formerly existed, but not a common right that existed by custom.

726. What are those common rights?—Rights of pasture for a certain number of cattle, and rights of *estover,* which are rights of cropping pollards for firewood and repairs.

727. How many cattle are allowed?—The stint is variously stated. It is stated in some places to be two; in some places at four; and in one place it is stated as high as 25; for each copyholder who has the necessary qualification. In one instance it is as high as 25.

728. Do you mean that it is stated in documents?—Yes, it is stated as high as 25 sheep, two oxen, one mare and a colt for each of these two classes of copyholders; for every copyholder having either one or the other of these two qualifications. That is the highest quantity that is ever set down as belonging to commoners, and the very limit is mentioned here: "Every cottager there, who is a copyholder of the manor, may keep on the manor 25 sheep." That recognises the stint, and it recognises the limitation at the same time. I was going to say that that is laid down in the Parliamentary inquisition taken during the Commonwealth, the manor at that time being Crown property.

729. *Chairman.*] Was not that reversed immediately upon the restoration?—No, I do not know actually what became of the manor. It got into the hands of Lord North, I think, afterwards. I forget who the immediate successor was, but it was considered as public property at that time; and in that way there was a Parliamentary inquisition. That Parliamentary inquisition sets out the customs of the manor in this respect, and sets out the persons entitled to copyhold rights, and sets out the stint of these rights, and that stint is laid down much more liberally than it is anywhere else in the Court rolls, either before or since. The reason, I imagine, is that the lord, who was the king, was not there; the steward, who, no doubt, would be a Royalist too, would not be there; and the Parliamentary Commissioners having no one but the commoners and copyholders to come to, have a claim put forward in the broadest possible way, and having no other evidence to go upon, it was so laid down. That, however, is merely a suggestion of mine.

730. Viscount *Bury.*] That is the first of the three classes that you mentioned just now?—Yes; of copyholders having that qualification.

731. And I understand you to say that, under that head, there are no copyholders?—To the best of my belief there are none of 15 acres of uninclosed land at all from the time of Richard I. As to whether there is anywhere an ancient cottage of that date, I should very much doubt it.

732. Mr. *Baillie.*] According to what authority do you go back to the time of Richard I.?—That time is always taken as the time of legal memory.

733. Mr. *Shaw Lefevre.*] It is not necessary to carry your evidence back so far as the time of Richard I. You may carry it back for a certain time, and the law presumes it goes back as far as Richard I.?—Yes; you must presume the origin of the custom to have been before the reign of Richard I.

734. Mr. *Baillie.*] Does this exposition of law apply to all commons?—It is the special custom of Wimbledon Common. Almost all manors have some peculiar customs of their own; customs of descent, and many other customs, which regulate them.

735. It is not the custom to hold a cottage that was existing at the time of Richard I., because it never has existed, on Wimbledon Common or anywhere

anywhere else?—I speak of what the presumption of the law is, that the custom did originate before the reign of Richard I.

736. Viscount *Bury.*] That disposes, as far as you are concerned, of the first class, the copyholders?—Yes.

737. Then, with regard to those having grants from the lord, are there any persons having grants from the lord who have rights as such on Wimbledon Common?—I am not aware that there are, unless it is the Crown. The grants to which I refer are grants made on the occasion of enfranchisements, where a copyhold tenement has been enfranchised. The effect of the enfranchisement would be to destroy all the incidents of a copyhold tenure, and amongst those the right of common. In some cases I have known, but not frequently, the lord, on making those enfranchisements, has regranted such rights of common as previously existed; so that the effect of the whole transaction would be: first, as it were, to kill the original right, and then revive it again, so that it should, in its revived state, attach to the enfranchised tenement. That is so done in some cases, but of course the first question to arise there would be, whether there was any original right; whether the tenement was originally 15 acres, or original cottage. I am not aware of any such case.

738. With regard to the second class, you are not aware of any such right existing?—No.

739. In regard to the third class of these cases, what constitutes a prescriptive right according to special custom?—Uninterrupted user for a certain number of years. Under the Prescription Act, I think, in some cases it is 30 years, and in others 60 years.

740. Are there any rights of that sort which arise here?—Not that I am aware of.

741. Mr. *Kinnaird.*] Do you suppose that there are no people who have depastured a cow for that period?—Not without interruption, that I am aware of. He must prove that during every year he has depastured the number of cows and sheep for which he alleges the right, without interruption. Then the law presumes the grant by the lord.

742. Mr. *Baillie.*] You have proved that, so far as you know, there are no copyholders, none having grants from the lord, or none having prescriptive rights?—Not that I know of.

743. And you have stated, in the first part of the evidence, that the lord of the manor was possessed of rights other than those belonging to those three classes of individuals?—Yes.

744. According to common law?—Yes.

745. *Chairman.*] You do not say that Lord Spencer has any further rights than any other lord of the manor?—No.

746. Viscount *Bury.*] Then, as far as you know, it is in evidence that Lord Spencer possesses, in fact, the whole of the rights of Wimbledon Common?—Yes, except the rights of way which the public may have across.

747. *Chairman.*] Do you say that no one has any right to send cattle on this common except Lord Spencer?—I believe so.

748. Viscount *Bury.*] Is Wimbledon Common in the same parish with the different houses and tenements which would appear from their situation to have rights?—Wimbledon Common is in three parishes, Wimbledon, Putney, and Wandsworth, and in each of these three parishes there are houses.

749. The residents are only allowed, I believe, to pasture in the parishes in which they dwell?—Not as residents; it is part of the custom of the manor that whoever possesses the necessary qualification to depasture cattle can do so in that common only which lies in his particular parish. A man having a common right in Putney could not turn cattle on to that part of Wimbledon Common which does not lie in Putney parish.

750. If there were copyholders there, each copyholder would only be entitled to a very restricted use of part of Wimbledon Common?—Yes.

751. What is the homage in Wimbledon?—A select body of the copyholders who are specially summoned to the ordinary courts of the manor; I find it is the duty of all the copyholders to attend, but I believe that they only are specially summoned.

752. *Chairman.*] I thought you said there were no copyholders?—I said there were no commoners; there are many copyholders, but I believe there are no commoners; the commoner must be a copyholder, but all copyholders need not be commoners.

753. Viscount *Bury.*] How is the homage elected?—The homage is elected, I believe, by the steward, from names proposed by the homage for the time being; there has been no election during my time.

754. Are the whole of the copyholders bound by the decision of the homage?—Yes.

755. The lord and the homage, supposing they agree, may bind all the copyholders?—That is putting it rather too broadly; I could not say that in every case they would be bound by the decision of the homage; as to the custom of inclosure, no doubt there is a good custom for the lord and the homage to inclose; but questions might arise as to their own properties.

756. But assuming for the present purpose the common rights of all the three classes to exist, are they not subject to two kinds of paramount rights exercised by the lord of the manor?—Yes.

757. What are those two kinds?—The first is one which exists at common law, which has already been referred to, as recognised by the Statutes of Merton and Westminster, which is called approvement, and is a right in the lord to inclose any portion of his common provided he leave sufficient to satisfy the common rights which exist; and the second is a special custom, if the lord and homage agree, to inclose any portion without regard to the common rights.

758 In fact there is a special custom on Wimbledon Common, whereby the lord, with the consent of the homage, and without any reference at all to the commoners, may inclose any part of the common he chooses?—Yes.

759. Does any evidence exist of such a custom having been exercised in the case of Wimbledon?—Constantly.

760. And you can produce documentary evidence?—I daresay I can produce 50 cases of inclosure effected by this means.

761. Mr. *Shaw Lefevre.*] The rights of portioning out cattle could not be approved against, could they?—That is rather a nice point. I do not know whether it would be a proper thing to produce opinions of counsel before whom this documentary evidence has been; but their opinion is that it would be good against a prescriptive right. The grant upon which the prescription depends would be made subject to these conditions.

762. *Chairman.*] In your opinion, then, this

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Bill which has been brought before Parliament is quite unnecessary, and you think that Earl Spencer has a right to do exactly as he pleases with Wimbledon Common, that he holds it in fee simple. That is what your evidence amounts to?—I believe he could carry out nearly everything he proposes to carry out, without the Bill.

763. And you advised him to go to the expense of a Bill although he had the right to do it without?—I was not aware of these rights at the time.

764. If you had been aware of these rights you would not have recommended the Bill?—Yes, I should, because he is doing it as a public measure for which he would require an Act of Parliament.

765. You would not require a Bill to subscribe to a charity?—But you must have a Bill to create your charity and to regulate it; besides, Earl Spencer is giving up his rights.

766. You call this a Bill to regulate that which he gives to the public; that is the effect of the Bill, and the only effect?—Yes, I think it is the only effect.

767. Do you mean really to say that Earl Spencer does not derive any benefit from that Bill?—Yes, I do; he derives no benefit, on the contrary, he is giving up a very valuable property.

768. He retains the herbage of the common?—Yes.

769. Entirely to himself?—No, he does not now; it was originally proposed that he should.

770. To whom does the surplus go?—To him as originally proposed, but not now.

771. To whom does it go now?—It becomes a trust fund in the hands of the trustees.

772. When they have provided for the expenses incurred, where does the remainder go?—It would be held to meet the contingencies.

773. But suppose there are no contingencies, to whom would it go?—I can hardly imagine such a case.

774. If there were no contingencies, would it not go to Lord Spencer?—No.

775. To whom?—Lord Spencer's position is this, he gives up everything, and gives it upon the terms of being compensated by a rent-charge, payable to him by the trustees; and in order to pay that rentcharge, they have certain rights given to them.

766. What would be the amount of the rentcharge?—That is a matter of compensation; it would be taken upon an average of his former receipts, or upon an estimate of what they were likely to be.

777. Would Lord Spencer be able to build upon this land?—Certainly not; lodges are proposed, but beyond that he would have no more right of building there than he would have upon Hyde Park.

778. Would he be entitled to build upon the parts inclosed on the plan, blue, brown and green?—No; he would be entitled merely to sell that to persons upon payment of money.

779. But a certain part of it would still be left as common?—Yes, I think he would have a right to build upon that.

780. That he would have freehold?—Yes, it would be in the same position as it is in now. If he could build upon it then he could now.

781. Under the Act of Parliament as it would then be, it would be his fee simple?—No, the Act would not affect it. It would remain his fee simple.

782. It would be as it was, if you please now, his own?—Yes.

783. What quantity is that?—It depends upon what would be left.

784. First you have to sell a certain quantity of ground to pay the expenses?—That is an unascertained quantity.

785. After that is done, whatever is left would, as you say it does now, belong to Earl Spencer? Yes.

786. What quantity would in all probability be left?—Lord Spencer has given the amount of the contemplated expenditure at some 15,000 *l.* or 16,000 *l.*, I think. Then assuming that the lower part coloured blue, which is under the fire of the ranges, is withdrawn, there would be land to the value of altogether 4,000 *l.* sold, and then there would be the part coloured brown, valued at 12,750 *l.*, so that it would be about 16,000 *l.* or 17,000 *l.* Then there would be left of the land coloured something over 120 acres; and there are other parts which are not coloured.

787. Then the title would be better than Earl Spencer has now; he would have a Parliamentary title?—No, I do not think he would. He does not ask for any Parliamentary title by the Bill.

788. Would he not have a Parliamentary title by the Bill if it passed?—No.

789. Mr. *Kinnaird.*] You say that there are certain rights of way?—Yes.

790. And there is a plan to divert them?—Yes.

791. That would be part of the Bill?—No; these plans were got up in a hurry, and under a misunderstanding of what Lord Spencer wished; there are certain rights of way, but these diversions are not intended to be carried out, and these rights of way are reserved, but improved to some extent; we propose to take away nothing, but to give a great deal more.

792. You have no power to divert them?—Certainly not; we abandon it, and independently of that, we have no right to interfere with public rights of way.

793. You take it that the public have a right of way across the common?—Yes.

794. And you have no power to revoke that?—No.

795. Mr. *Locke King.*] Is not the Crown possessed of copyhold?—It was possessed of a copyhold tenement, and when that was enfranchised Earl Spencer made a grant of common rights; the effect of that is doubtful; if it existed at that time, it is doubtful whether it now exists.

796. Where was that?—Near East Sheen.

797. Of how many acres did it consist?—Forty.

798. If there are no rights belonging to copyholders, what did the lord grant to the Crown?—Rights of common, no doubt; but every lawyer knows there are general words in most deeds, and those words do not of themselves have any effect whatever; it is always a question whether there is anything on which they can operate.

799. Sir *John Shelley.*] I understand that your opinion, as a lawyer, is that Lord Spencer has, in fact, all these rights, and that he wishes to hand them over to the public?—Yes.

800. I do not quite see why, supposing he had those rights, he does not simply, by Act of Parliament,

liament, bind himself, his heirs and successors, and grant the thing at once to the public, without coming with a Bill before the House. I put that to you as a lawyer?—It is not at all as a question of law; but it was thought a more business-like proceeding to regulate the government of the property, and the particular purposes for which the common should be used. There were certain works to be carried out, and all those things, unless provided for by Act of Parliament, must have been carried out by Earl Spencer in the first instance. I think that it would have been practically impossible for Lord Spencer to carry it out except under the powers of an Act of Parliament. Besides, although I say that these are Lord Spencer's rights, there are plenty of people who say they are not, and he would most certainly be involved in litigation.

801. There being already a constituted authority, under the Metropolitan Works Act, over all open spaces within a certain area, is there any difficulty in Lord Spencer, whilst binding himself, his heirs, and successors, handing over the common to that body, who would have the power of making all the necesaary arrangements?—That is rather a wide question. I believe that part of the common is out of the metropolitan district, and that, in fact, only a small corner is within it; but even assuming that it were within the district, I am not sufficiently acquainted with the powers conferred by the Metropolitan Local Management Act upon the Board, to be able to say whether such a scheme as this could be carried out under it; if it could, there would be no objection.

802. The fence was proposed because, in the opinion of Lord Spencer, the regulations of the common would be better carried out?—Yes.

803. On that ground he proposes the fences?—Because of the nuisances, and also because he considers that the fund which is to provide for the expenses of the management would be very seriously affected unless there is an inclosure. One object is to secure a fund for management, and another is to lessen the expenses of management, because it would be necessary to employ fewer common-keepers, and also to provide for better regulation, and to prevent nuisances.

804. But there seems to be an idea that a portion of the land will not be required to be sold off to meet those expenses?—Yes.

805. Would it not be better to sell more of the outlying land to meet all the expenses?—That is a question of policy.

806. I suppose it would be a matter of indifference to Lord Spencer, supposing that the Committee were hereafter to recommend it?—I would rather that Lord Spencer spoke for himself on such a point, because it is a pure matter of feeling.

807. Supposing that it should be in contemplation to sell the whole of the outlying land to meet the expenses, you need not then look so much to the herbage, nor would the fences be necessary?—It would remove one of the difficulties, but not all. People would still come in at night and deposit heaps of rubbish, and all kinds of indecencies would be going on there. You would not remedy the evil; it would lessen the necessity for fences very much.

808. But it is within the Metropolitan Police District, is it not?—They will not interfere. Sir Richard Mayne has often been applied to, but he says it is private property.

809. But supposing it were vested in a public body like the Metropolitan Board of Works, then it would come under the administration of the police, I suppose?—Undoubtedly, I should think.

810. That, in the event of the common being handed over to the Metropolitan Board for the benefit of the public, would meet the difficulty as to the gipsies and tramps?—Yes; I think it would.

Lunæ, 27° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Baillie.	Mr. Kinnaird.
Viscount Bury.	Mr. Locke.
Mr. DuCane.	Mr. Shaw Lefevre.
Mr. Cowper.	Mr. Peacocke.
Mr. Cox.	Mr. Alderman Rose.
Mr. Hanbury.	Mr. John Tollemache.
Mr. Locke King.	

JOHN LOCKE, Esq., in the Chair.

Mr. William S. Forster, called in; and further Examined.

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811. Mr. *Tollemache.*] By the proposed Bill, I believe that Lord Spencer will have the power of erecting fences round that part of Wimbledon Common which is not to be sold?—That which is coloured pink on the plan.

812. The Bill will sanction the erection of such a fence?—Yes.

813. Lord Spencer proposes that that should be a low kind of fence, over which any person might step?—I believe his idea is to keep carts and carriages from going on at any point and cutting up the turf, and also to keep cattle in.

814. I believe we are all perfectly satisfied as to Lord Spencer's liberal intentions; but, supposing the Bill to pass, sanctioning the fence, would Lord Spencer's successor have the power of erecting a still more formidable fence?—It is not proposed that Lord Spencer should be the sole manager. He proposes that three trustees should have the management; one to be nominated by the Crown; one to be the lord of the manor for the time being; and the other to be nominated by the Inclosure Commissioners. They would have power to alter the fence, and they might in that case, I imagine, erect any kind of fence they pleased.

815. We understand that Lord Spencer wishes to keep up the wild character of the common?—Yes.

816. When the fence is erected, the common will be much more valuable as pasture?—Yes.

817. The three Commissioners, if they pleased, might, I suppose, make the pasture more valuable still by clearing away the gorse?—No doubt of it; but they would have no personal object in doing so.

818. They might wish to raise a larger revenue by making the pasture more valuable?—There would be no object in raising a larger revenue than is wanted for the expense of management.

819. The proposed Bill would give them the power of doing it?—It would leave it to their discretion.

820. Would Earl Spencer have the power of planting trees?—Yes, there would be such a power in the trustees.

821. If the trees are planted, the trustees could, I suppose, put a fence round?—Such a fence would be necessary in order to protect the trees from the cattle.

822. If they should be inclined to plant five or six acres with trees, they would be able to fence round these five or six acres?—Yes.

823. Then in the same way they might, I suppose, fence in 30 or 40 acres?—They might; but I imagine it would be contrary to the spirit of the Bill. It is impossible to tie people down in those details by an Act of Parliament. It is no part of Lord Spencer's scheme to plant the common.

824. I am quite sure that his object is to act liberally by the public, but it is our duty to take care that the public is protected not only in Lord Spencer's time but hereafter. According to the proposed Bill, the Commissioners would be able to plant such part of the common as they chose, and also to inclose those parts by a fence?—Yes.

825. Did I understand you rightly to say that the commoners must prove usage for a very long period before they could claim any right?—Commoners claiming by prescription must prove uninterrupted usage for 30 years.

826. Would not usage for 20 years establish a title?—No; the period limited by the Prescription Act is 30 years, and in some cases 60. For some other rights a usage for 20 years is sufficient.

827. Do you know the kind of fence Lord Spencer proposes to erect?—I understand that he proposes a post and rail fence.

828. Mr. *Hanbury.*] May I ask if the rights of the lord of the manor lapse, if those rights are not exercised?—No; I do not conceive that the right of the lord of the manor to the soil could possibly lapse under any circumstances; he might dedicate the soil, but unless you could assume a dedication, I do not see how the right to the soil could be said to lapse.

829. I understood you to say, that the rights of the commoners lapse if they are not exercised?—They are in a different position.

830. I think you say, that Lord Spencer has now full powers of inclosing and building as he pleases; that being so, may I ask you to state why Lord Spencer applies to Parliament to enable him to carry out these powers?—It is not to enable him to carry out these powers, but to secure the common to the public, and to regulate it; Lord Spencer gives up his powers.

831. May not the public now use this open space or common exactly as they like?—The public have no legal right to do it certainly; they do walk and wander over it at will.

832. For the purpose of recreation?—Yes.

833. Are you aware that there is a strong feeling in the neighbourhood of Wimbledon and Roehampton

Roehampton against Lord Spencer's scheme?—There is a feeling, and I am aware a strong feeling, on the part of those who entertain it, but that feeling is not universal, and I know at the present moment there are petitions, signed, I think, by 3,000 or 4,000 persons, in favour of the scheme.

834. Do you mean by residents at Roehampton?—People of the neighbourhood, residents, occupiers, and others. I personally have had representations in favour of the scheme.

835. You aware that meetings are held, and that the question is being very strongly agitated?—Yes.

836. Mr. *Baillie.*] You are aware the House of Commons appointed a Commission to make a survey of the manor in 1649?—There is the Parliamentary survey which I alluded to on Thursday.

837. And that the Commissioners appointed by Parliament reported that every copyholder had a right of common?—My recollection of it is that every copyholder who had 15 acres or thereabouts, and every copyholder who was a cottager, had a right.

838. Can you tell me how many copyholders there are in the manor?—I am not prepared to say at this moment. Speaking roughly, I should say there are about 250.

839. Are any of them cottagers?—Some of them have cottages undoubtedly.

840. Then you admit that these copyholders have rights of common?—No, I do not; because I am advised that the only cottage which will entitle a copyholder to a right of common must be an ancient cottage; that is to say, a cottage that existed before the time of legal memory.

841. That is not stated in the Parliamentary Report?—No, it is not.

842. Then you do not admit that the Parliamentary Commissioner's Report is to be held as a title?—It depends upon what construction you put upon the Report. I do not imagine that it would be inconsistent with such a construction as I have just put upon it.

843. That Report is much more extensive than your construction, because they say "every cottager?"—It might be put in that way. It means, no doubt, every cottager having an ancient cottage; that is the way I should understand it, having regard to the presumption of law.

844. Why?—Because of the very nature of the custom. A custom must be immemorial, and I imagine that to be immemorial the objects on which the custom is to operate must be immemorial.

845. Do you admit that the copyholders must consent to the inclosing?—I have explained, as I believe, the way in which a partial inclosure might be effected under the lord's common-law right of approvement. Another inclosure might be effected under the custom of the manor, for the lord to inclose with the consent of the homage; it might be done by the Inclosure Commissioners, or by a special Act.

846. Do the copyholders pay fines to the lord of the manor?—Yes; a fine on every alienation of a copyhold, and on every succession.

847. Are you aware that the Crown claims rights over Wimbledon Common?—Yes.

848. Upon what does that claim rest?—The Crown formerly was a copyholder; several years ago that copyhold was enfranchised, and in the deed enfranchising the copyhold there is a mention made of common rights; such rights are regranted, as during the period that the copyhold remained a copyhold were incident to that copyhold. There are questions arising upon the construction of that deed which it is impossible for me to enter upon.

849. Were they rights of common?—They would be exactly the same as would attach to any other copyhold; there is nothing peculiar in the copyhold of the Crown.

850. You are aware that no lapse of usage affects the Crown in any way?—I do not ground my doubt upon any lapse of usage, but upon the construction of the deed, and upon the question whether, before the enfranchised deed, any common rights existed in respect of that particular copyhold.

851. Assuming that the Crown had those common rights, no inclosure could take place without the consent of the Crown?—I do not imagine that the Crown would be in any respect in a different position from any other copyholder.

852. But if you admit the rights of common, no inclosure could take place with the consent of those who have the right?—I have pointed out the way in which the inclosure could take place; I am aware of no other way.

853. By the Statute of Merton?—A partial inclosure might take place under the Statute of Merton under the common law; another inclosure of a different kind, without regard to the common rights, might take place under the custom of the manor, for the lord and homage to inclose together; or the Inclosure Commissioners might inclose, or by special Act of Parliament it might be inclosed; the last two would be on the terms of compensating the common right; that would be by allotments.

854. I believe that a practice of cutting green turfs on Wimbledon Common has existed?—The lord has cut turfs and sold them.

855. I mean the green turf?—Yes, the surface turf for gardens and lawns.

856. Can you tell me what income has been derived from that of late years?—I believe Lord Spencer has given in a return of what his income has been from the gravel and turf together for the last two years; but how much of that is represented by turf, and how much by gravel, I cannot say. I can only get the amount from bills that have been sent in to people to whom turf and gravel have been supplied; those bills are for materials generally.

857. Are you aware that it is illegal for the lord of the manor to cut green turf?—No, I am not.

858. Do you believe it to be illegal?—I see no reason why it should be.

859. If one of the Inclosure Commissioners has told us that it is positively illegal, would you consider that he is correct?—I should not receive his dictum upon that or any other legal point; I believe that if Lord Spencer has exercised the right to cut turf for a great many years, he might claim it under the Prescription Act, independent of his right to the soil.

860. Viscount *Bury.*] Has not Lord Spencer given up that right to cut turf?—He proposes to give it up.

861. Mr. *Baillie.*] But it is going on?—No doubt it is; it is for the convenience of people in the neighbourhood, who pay for it.

862. You say that you do not believe that it is illegal for the lord of the manor to cut green turf?

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turf?—I do not think I should be called upon to give an opinion upon legal questions.

863. Do you believe it to have been an illegal act to inclose part of the common for rifle shooting?—I do not know whether I ought to answer these questions; I do not think they belong to me to answer at all.

864. I ask you whether Lord Spencer has the right to inclose part of the common for rifle shooting?—I have told you what I believe his rights to be; the other may be a conclusion. If it is his right to inclose a great portion of the common under his common law right, I imagine that he might inclose it for the National Rifle Association, or for any other purpose. The question is this, does he or does he not infringe upon the common rights?

865. Assuming that all the commoners have rights upon the common, has the lord of the manor a right to inclose without their consent?—I do not think that I can add anything to what I have already said. I say there are four ways in which the common might be partially or entirely inclosed: one under the common law right of the lord—that can only be exercised upon leaving sufficient to satisfy the common rights; then there is a special custom under which an inclosure may be effected without regard to those rights; then there are two other modes—by the Commissioners, and by a special Act.

866. I see upon the plan which has been placed before us, a portion of the common painted yellow has been omitted from the Bill altogether?—Yes; there are many other portions omitted.

867. For what reason?—It was not necessary to include them. All that Lord Spencer proposed to give to the public was the 688 acres of the common. There is East Sheen Common, and Lower Putney Common, and others, and they are not proposed to be affected by this Bill.

868. *Chairman.*] Would the commoners retain their rights over that?—If they have rights they would retain them. All that the Bill proposes is, to compensate them for whatever rights may exist over the places intended to be affected by the Bill.

869. Mr. *Peacocke.*] I think you have served something like 300 notices on the copyholders?—Not the whole of them on the copyholders: they were people claiming an interest of some sort or other; there were people in the parish, and people interested in the highways, and other persons, amounting altogether, I think, to 287.

870. Assuming, therefore, that there are 287 people having some interest over this common?—No, I do not think that follows at all. The principle upon which I proceeded in serving the notice was simply this: I was not then at all aware of what the extent of the common rights was. I had heard it broadly stated, that all copyholders had a common right, and consequently I sent notices to all copyholders, because I knew it signified little if I served too many, but it might be fatal if I served too few, on the question of Standing Orders. The Bill expressly suggests, that there may be no commoners at all, which was done advisedly; since then the investigation has been carried very much further; in fact, the subject has been exhausted.

871. How long have you been steward of the manor?—Since 1863; but I was acquainted with the manor, and acted to a great extent as steward, two or three years before.

872. Have not several inclosures taken place lately of Wimbledon Common?—No; there have been very few indeed of late years.

873. But there have been some, have there not?—Speaking to the best of my recollection, there have been three: there was a piece of waste sold to the Duke of Cambridge.

874. Marked white on the plan?—It was a little corner of that.

875. Within the last 10 years, I dare say you can give evidence?—I cannot say further than my own knowledge. Close by where that brown is, there was a little bit of waste adjoining the high road, upon which people used to throw rubbish, and great complaint was made of its being a nuisance; and I sold one-half to the owner of the house on one side, and the other to the owner of the other.

876. Have any buildings been put up on Wimbledon Common on your time?—There has been a building put up by the National Rifle Association, and a cottage has been put up for one of the common keepers.

877. Under what authority have you done that, under the Statute of Merton?—Well, I have done it generally; you may refer it to the Statute of Merton, if you will.

878. I think you admit in your evidence that rights of estover exist, or did exist, over this manor?—When there were pollards on the common, of which there are none now.

879. This is your evidence upon this point, given upon the last occasion. You were asked, "What are those common rights?" and your answer is, "Rights of pasture for a certain number of cattle, and rights of estover." You are, therefore, aware that rights of estover existed over this common?—It is laid down that right of estover did exist at that time.

880. Are you aware that you cannot approve against rights of estover?—No, I am not. I imagine, without going into the question very far, that a right of estover is in no better position than a right of turbary; and I believe, as regards the right of turbary, a recent decision has qualified that very much.

881. Did the commoners remonstrate at the time these inclosures you speak of were made?—I had some remonstrance at the time one of these small inclosures was made, but I explained the reason for which it was done, and that seemed to satisfy the gentleman who made the objection.

882. In dealing with this common generally, as you have done, for the National Rifle Association, under what authority did you do so; under the Statute of Merton, or did you call the homage together to approve of it?—No; we did not call the homage together for that.

883. Permanent butts have been erected, have they not, over the common?—Well, butts have been erected which you may call permanent butts; I do not know how far they differ from other butts.

884. You did not call the homage together for either of those two small inclosures?—No.

885. For the purpose of this National Rifle Association, you have put up, have you not, at times, temporary inclosures?—The National Rifle Association have done so.

886. But that was under your authority?—We did not dissent from it. They did it; but I cannot say that they did it under our authority.

887. They have no authority except what you give them?—I do not know that. For instance, there was a man who put up an inclosure a little time

time ago, and stuck up a board having on it the words "Site for intended hotel." Of course I gave him no right to do that, neither did Lord Spencer.

888. But you had it removed?—Yes.

889. You did not interfere with the National Rifle Association?—No, I did not.

890. Was Lord Spencer's consent obtained for this inclosure made by the National Rifle Association?—Lord Spencer's assent was obtained, so far as his interest in the common was concerned, to the National Rifle Association using that part of the common which they have used.

891. And putting up a temporary inclosure?—Lord Spencer did not authorize a temporary inclosure, or an inclosure of any kind.

892. But you did not object to it?—No, we made no objection.

893. So that, generally, you have approved away, as I may say, under this Statute of Merton, this common, to the National Rifle Association?—Well, as you say, it was a temporary approvement.

894. And for putting up butts?—As to putting up butts, I should tell you that the National Rifle Association are, so far, under a condition to us to restore the common to the condition in which it was before.

895. I suppose there is no doubt that they put danger flags and prevent people walking there?—Yes, but that is under a Government Inspector.

896. But still they have no authority on that common, except from you?—I believe before a range can be used, there must be an inspection by Government.

897. That is all very well when they have got there, but they only go there by your authority?—No doubt, if we objected to their going there, they could not go.

898. So that what it comes to is this—that you, knowing that rights of estovers were claimed over the common, have approved away this common to the National Rifle Association, under the Statute of Merton?—If you like to put it in that way, I cannot admit your proposition fully.

899. Mr. *Rose.*] You are steward for the Lord of the Manor of Wimbledon; are you also steward for the Lord of the Manor of Wandsworth?—Of Battersea and Wandsworth.

900. Will you look at this map, and tell me whether it gives a correct description of the encroachments upon Wandsworth Common?—I cannot pretend to go into that. My acquaintance with Wandsworth Common is not sufficient to enable me to give you any information upon it.

901. Will you tell us how we can get information, because we asked the same question of Lord Spencer, and he said it had been done by his predecessor partly?—I do not know what one common has to do with the other. The only suggestion I can make is, that you should examine some persons from the neighbourhood who have been long acquainted with the common, in order to show what the state of the common was and what it is now. The best persons would be those who made that plan.

902. Do you happen to know whether the parish of St. James, Piccadilly, had 100 acres sold to them?—They have an inclosure, I know, but I do not know how many acres.

903. I suppose about 100?—I should think not so much as that. It was an inclosure made some years ago, except as to a small part of it.

904. You say that a piece of land has been sold to the Duke of Cambridge?—Yes.

905. Was that taken out of the common of Wimbledon?—Yes.

906. Were there any rights of way there?—I am not aware that there were.

907. I see that he has a footpath, marked "Stag-lane"?—Yes.

908. Has that been closed?—I think it is a private right of way of the Duke of Cambridge.

909. We have been told that one of the reasons for this proposed inclosure is, that the common is frequented by gipsies and tramps?—Yes.

910. Have you any return of the number of gipsies who resort there?—No; a gentleman who lives down there says he has seen as many as 130 at a time.

911. You mean at the meetings of the Rifle Association, I suppose?—No, I do not think he referred to those; I have seen a great number down there, but have never counted them.

912. This piece of land sold to the Duke of Cambridge is a very small piece?—No doubt it was at some time taken out of the common; but it is a very old inclosure, at least 80 years old.

913. Have you heard that a sum of 2,500 *l.* had been subscribed in order to oppose the Bill brought into Parliament?—I am not aware of that.

914. Supposing Lord Spencer withdrew the Bill, would not that sum go a long way towards meeting the requirements of the drainage?—Lord Spencer has given you the estimate for drainage, which I think exceeds that sum.

915. Would not all the drainage, such as an open space like that requires, be amply provided for by 2,500 *l.*?—That is a question for an engineer.

916. I think you say that you have given as many as 287 notices?—Yes.

917. Then you consider that there are 287 people who are directly or indirectly affected?—No; we knew it would be a fatal objection to the Bill if any one having an interest did not receive notices; therefore as it had been broadly stated that all copyholders had a right, we served notices upon them all.

918. Mr. *Cox.*] You say that you have been steward since 1863; who was your predecessor?—Mr. Goodford.

919. Did you succeed him in the office?—He was my partner.

920. How long had he been steward?—I should think about 20 years.

921. Is the same clerk in your service now who was in your partner's service; who attended to this?—I rather attended to it under Mr. Goodford for the last three or four years before I became steward; before that it was attended to by some one else.

922. Of course you have a copy of the court roll?—Yes.

923. Is it a court baron or a court leet?—A court baron.

924. Now, during the time you have been steward, and have conducted the business of the manor, have you ever had any cases of trespass brought before you?—Of encroachment.

925. Of trespass?—I do not imagine that there can be any.

926. Have you had any presentments made of trespass at any of your courts?—I think we have, speaking from memory.

927. What sort of trespass?—Trespass in laying timber on the common.

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928. Have you any recollection of any case of trespass by persons walking or going on it?—Oh, no.

929. Are you aware, either from the court rolls or from any knowledge you have of it, whether there has been any trespass of that kind during the last 100 years?—I have no doubt it does appear, if it has ever occurred.

930. But has any such presentment ever been made as a trespass of that sort?—I should think not.

931. Do you know Wimbledon Common well?—I have a general knowledge of it.

932. How many times have you been there?—I do not know; I dare say I have been there 50 times at any rate.

933. Whenever you have been there have you seen people on it?—Yes.

934. Large numbers?—I have been down there when the National Rifle Association meetings have been held there, and there were large numbers of people there then; at other times not so many.

935. Have you ever seen a fair there?—No.

936. Have you ever seen people playing cricket there?—I have.

937. Many times?—I don't suppose I have seen them playing more than once or twice.

938. I don't mean the All-England Eleven, but boys, and schools?—Yes.

939. And men also?—Yes, cricket clubs.

940. Is that at any part of the common?—I have seen boys playing at that triangular part.

941. Have you not seen them playing all over the common?—No; to the best of my recollection, I have only seen them playing just about there.

942. Viscount *Bury.*] Was that before the National Rifle Association came there, or after it?—After it.

943. How long ago did you first see any game played on it?—As nearly as I can recollect, the only game I ever saw played was about three years ago; I have not been acquainted with the common more than five or six years.

944. And therefore of course you can only give us your knowledge of that time. Have you seen them play cricket there from time to time?—Yes.

945. Are you aware that there is a game very much played by Londoners called rounders?—Yes.

946. Did you ever see boys playing that?—I cannot call to mind that I have.

947. Did you ever see them flying kites there?—I really cannot say. A boy flying a kite would really make so very little impression upon my mind.

948. Have you ever been to Greenwich on a fair day?—Yes.

949. Do you know there is a game played there very much, at those times, called "kiss in the ring"?—Yes.

950. Did you ever see them playing that on the common?—No, I have never seen them playing any regular game there except cricket. Whether boys have flown kites there I do not know.

951. At any of the times you have been at Wimbledon, did you ever see a notice-board warning people from trespassing?—No; I have seen notice-boards warning people not to deposit rubbish; we put up those boards ourselves.

952. My question is, did you never see any board on any part of Wimbledon Common, cautioning people not to trespass on the common?—No, certainly not.

953. You never have?—No.

954. What is the notice that you spoke of just now?—Cautioning them not to deposit heaps of rubbish.

955. By whom were those notices given?—Sometimes they were given by the Local Board, and at others by the steward of the common; I have myself ordered some notices to be put up, cautioning people not to shoot rubbish there, or not to cut furze.

956. You are quite clear that you never saw a notice cautioning people not to trespass?—Quite clear.

957. Mr. *Shaw Lefevre.*] What is the extent of the whole manor?—It includes Mortlake, Putney, Roehampton, and Wimbledon.

958. Parishes?—I cannot say whether it includes the whole of the parishes, but a great portion of them.

959. And, therefore, contains a considerable number of freeholders and copyholders?—There is a considerable number of copyhold tenants, no doubt, and a great many freeholders.

960. And within that manor, besides Wimbledon Common, there is Putney Lower Common, 41 acres; East Sheen Common, 66 acres; Polewell Common, 16 acres; Battersea and Wandsworth, 150 acres, and Battersea East Common, 188 acres?—Yes, I have no doubt those figures are right.

961. And Lord Spencer is lord of the manor of all those commons?—He is lord of the manor of Battersea and Wandsworth, and lord of the manor of Wimbledon, which contains all the others.

962. Your contention is, that there no longer exist any ancient copyholders who have rights of common over these other commons?—That is what my belief is.

963. Besides that, you say that there are very few or no persons who have acquired rights of common by prescription?—No.

964. And further, you say that if any such rights do exist, you can approve against them under the Statute of Merton, and also that you have a right by custom to inclose, with the consent of the homage to approve of?—Yes, bearing in mind the distinction between approvement and inclosure by custom.

965. I want to know whether that consent of the homage can carry you any further than the Statute of Merton; and whether you are not bound by law to leave sufficient for the use of the commoners who have got rights there by prescription or copyhold?—I believe it can.

966. Would not such a custom be in effect a custom to inclose the whole of the common?—I am not prepared to say whether it would or not.

967. If it was carried to that extent, would it not be unreasonable, and therefore bad in law?—That is a point of law which I would rather not give an opinion upon.

968. Have you taken advice upon that subject?—I have taken advice upon the rights generally.

969. Have you asked your legal advisers whether the custom to inclose, with the consent of the homage, can carry you any further than your right under the statute; whether, in fact, you can inclose with the consent of the homage, without leaving a sufficiency for the common rights

rights, which exist either by prescription or custom of the manor?—No.

970. Then I want to ask you what the homage consists of in this manor?—The homage consists of a certain number of the copyholders of the manor.

971. How many?—I think there are eight.

972. Have those been designated by the steward?—A change has never taken place since I have been steward, and therefore I cannot speak positively.

973. Have not all the copyholders a right to come and form a portion of the homage?—It is not only their right, but I believe it is their duty.

974. And may it not be that no inclosure can take place without the consent of all of them; that the consent of the homage means the consent of all the copyholders present at the court?—The theory may be that the consent of the homage means the consent of all the copyholders; but I do not imagine that it is necessary that they should all be present.

975. But is it not necessary that when you call a court you should obtain the consent of all present: if one objects that is sufficient?—Do you mean all the court or all the homage?

976. I mean to say that if you call the homage together, is not the consent of all of them necessary?—I have never known an occasion on which the homage has differed.

977. Has it been usual on your part, when you have called the homage together, to call together all the copyholders?—It has been the practice in holding a court to put a notice on the church doors. The copyholders might be persons living in all parts of the world; they are not a local body at all.

978. Supposing it turns out to be a fact that a good many freeholders have enjoyed rights and have turned out cattle on this common from time immemorial, would that give them a prescriptive right to do so?—I imagine that each freeholder claiming a right must prove his prescription.

979. Do you think then that this custom of getting the consent of the homage, of whom these persons are not members, would be good as against them?—That is a legal question which I have not ascertained.

980. But supposing it turns out that the freeholders enjoying this common have by prescription a right to turn out cattle upon it, can it be inclosed merely with the consent of this homage, of whom they do not form a portion, the homage being composed of copyholders?—That again is a legal point upon which I would rather not give an opinion.

981. Have you taken legal advice upon that point?—Well, not quite.

982. With regard to the power of the lord of the manor to inclose against those who have rights, and against the copyholders, I will read to you what has been said in a case of Arlett *v.* Ellis, in the 7th Barnwell and Creswell, in which Mr. Justice Bayley says: "Then, as to the right of the lord to inclose the land in question, and to grant a perfect title to the plaintiff, it was insisted, first, that the lord had an unlimited and unrestricted right (founded upon a custom in this particular manor), to abridge the rights of the commoners, and to confer in severalty upon any person from time to time such portions of the waste as he in his discretion should think fit; it seems to me that such a right is utterly inconsistent with an existing right of common; for the lord might by degrees inclose the whole of the waste, and so annihilate the rights of the commoners. Badger *v.* Ford is an authority upon that point; but, had there been no authority, I should have thought that wherever it is once established that a right of common has existed from time immemorial such a privilege or custom in the lord cannot by law be supported, because it would be in destruction of that right of common." The marginal note in that case is this, "Held, that a custom for the lord of a manor to inclose the waste without limit or restriction, being inconsistent with the right of the commoners, was bad in point of law." Then Mr. Justice Bayley goes on to say: "Now the homage are persons associated together at the lord's court (at which all the tenants of the manor may attend), to act as between the lord and his tenants. Being tenants themselves, it is not very likely that they will lean unfairly towards the lord; and if the homage say, therefore, that a grant shall be made (assuming that the lord has a right to grant wherever there is more land than is necessary for the purpose of the commoners), it may be reasonably presumed that the homage have given their consent to the grant only when it is clear that the land granted may be taken by the grantor without interfering with the rights of the commoners." I want to know whether your attention has been called to that case, and whether, after hearing that, you still think that Lord Spencer could inclose, with the consent of the homage, without leaving a sufficiency both for the freeholders, who have rights by prescription, and the copyholders or the public who have acquired prescriptive rights?—My attention has not been called to that case, and therefore it would be impossible for me to say how far that case would go.

983. You said, I think, that the public had no rights; do you mean that no rights have been acquired by anybody for the purpose of recreation upon this common?—None, that I aware of.

984. I observe that a portion of the common, called Wimbledon Green, is not within the inclosure?—No.

985. On what ground is that left out?—On the ground of there being a road there, at least I believe that was the ground.

986. Do you conceive that to no portion of that Green the public has acquired any rights?—None, more than to the other portions.

987. Do you consider that the inhabitants of the parishes have any rights as to that?—No; I draw no distinction between that and the rest of the common.

988. You do not say that is a village green?—No. There are acts of ownership exercised by the lord over that part of the common, in the same way that they are over the rest of the common. Although games have been carried on, that has been done by express license; within the last year or two, we have had applications for leave to play at cricket.

989. Then you do not consider that the inhabitants of Wimbledon parish, and the places about, have acquired any right?—No.

990. Mr. *Cox.*] Was not the application which was made to you to play cricket on that part of the green, for the exclusive use of the persons who made the application, and with a view of excluding others?—It may have been with a view of excluding others.

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991. Is Cæsar's Camp a portion of the common?—No, it is outside.

992. Mr. *Shaw Lefevre.*] We were informed by Lord Spencer that the sum of 5,000*l.* would be necessary to compensate the commoners; who are those commoners?—I think what Lord Spencer said was, that the compensation would not exceed 5,000*l.*, not that 5,000*l.* would be actually required.

993. Then, in your opinion, are there any commoners at all?—It is difficult to say whether they could or could not establish a right; it is not in my power to ascertain.

994. Within your knowledge, have numbers of cattle been in fact turned out on this common?—No, certainly not; as far as my information enables me to speak, the turning out of cattle on the common has been very limited, and so far as my observation goes, I see hardly any. The soil has been so wet that I have met people down there who say the pasture is unwholesome for cattle; I have heard that people have turned cows on to the common, and they have either died or become very ill in consequence of some complaint brought on by feeding there.

995. Has any attempt been made to drive the common, in your recollection?—No; but the common keeper has pounded cattle that he has found wandering about.

996. How many cattle should you say could be accommodated there, having reference to the bad pasturage, and want of drainage?—I really could not answer that question.

997. That may be material with regard to the sufficiency of what is left for the freeholders?—Yes.

998. Do those attempts relate to the other commons, Lower Putney, East Sheen, and so on?—Yes, but I cannot say much about them; I cannot speak so positively as to them.

999. Has there been any inclosure, within your recollection, of those other commons, with the consent of the copyholders?—I am not aware of any.

1000. Viscount *Bury.*] Is there not a case on the court roll in which the lord is entitled to have 300 sheep?—There is an old entry on the court roll, I think so far back as the time of Queen Elizabeth.

1001. Mr. *Shaw Lefevre.*] That might be extinguished by any subsequent prescriptive rights?—I hardly know how that was considered: whether it was that the lord was considered to have such an interest in the common that he ought to have 300 sheep there?—I do not know.

1002. The common at that time might have been much larger?—Yes.

1003. I ask you, within your recollection, whether there has been any consent of the homage to the inclosure of those other portions that you have mentioned?—Not in Wimbledon Manor; I have some recollection of it in the Manor of Wandsworth.

1004. Viscount *Bury.*] You gave us to understand that the copyholders and the public thought they had some right from the lord, and you described all those rights, but you said that in your opinion very few of them now existed?—I beg your pardon, I did not say the public; I said that there were copyholders with a certain qualification, and grantees of the lord.

1005. On what grounds did you found your answers to the questions?—I founded them partly on my own inquiries, and searching through the court rolls, and particularly upon opinions which I have obtained from counsel, before whom all the materials to form an opinion have been laid; I have had very careful and laborious searches made, and have done everything in fact that could be done.

1006. Then the answers which you gave to my first questions were all founded upon accurate information from the court rolls?—Yes.

1007. Are you in possession of accurate copies of the court rolls?—I have extracts of all that I believe to be material.

1008. Are they too voluminous to put upon the Minutes of this Committee?—Very much so, I should think.

1009. You spoke also of your legal opinions being founded upon a case submitted to counsel; who were those counsel?—There was first of all a case submitted to Mr. Joseph Brown, the Queen's Counsel, and since then to a Mr. Hobhouse, Queen's Counsel, Mr. Hayes, Mr. Kemplay, and Mr. De Morgan, who have given an opinion.

1010. I believe those gentlemen are extremely well known in inclosure cases?—It is quite a specialty with Mr. Kemplay; and Mr. Hayes most lawyers know is some authority.

1011. The case you submitted to those gentlemen was founded, was it not, upon extracts from the court rolls?—Extracts from the court rolls, materials got from the Record Office, and everything we could get, even by searching Lambeth Palace, and everywhere.

1012. Did you frame an *ex parte* case, or did you put it as fairly as you could?—As fairly as I could, wishing to get a genuine opinion.

1013. Can you put in this case?—I think that those rights may possibly become the subject of litigation, and therefore it may not be desirable for me to do that.

1014. Mr. *Kinnaird.*] I think you stated that you had not noticed the number of people at different times recreating upon the common?—There has not been a great number; last summer I was down there; it was a fine day, and I only saw perhaps a dozen people.

1015. Are you not aware that there are numbers of schools in Wimbledon, Putney, and the neighbourhood that are constantly recreating on the common?—I have no doubt there are.

1016. Have you ever attended at the time of the meetings of the National Rifle Association?—Yes.

1017. Has there been anybody there then?—Oh, yes, on those occasions; but I expressly excepted that.

1018. Have you not seen streams of people going about on different parts of the common, not merely this mile of inclosure?—Oh, yes.

1019. Is there not a short cut from Tibbett's Corner to Coombe, across the common?—I think that would be cut off by the inclosure.

1020. I am speaking generally, when the inclosure is not there; it is a common road, is it not?—That I do not know.

1021. Is it not a great enjoyment by the London public to get something rural, and is not that road enjoyed immensely by them in that respect?—I am not able to say whether this particular road from this corner to Coombe is frequented very much or not; I know that generally the common is.

1022. Would not this inclosure, if made, rather interfere with the right of way?—Not necessarily.

1023. There

1023. There is not intention of at all deviating from those rights of way which at present exist?—No.

1024. With reference to Wimbledon Green, were you present when Mr. Cook gave his evidence?—No, I was not.

1025. Have you had an opportunity of reading it?—Yes, I have.

1026. Did you observe how he dwelt upon the importance which the Commissioners attach to keeping up these village greens?—I believe that he referred to village greens, but he seemed to have some difficulty in explaining what a village green was; but I take it he meant a green that had been dedicated to the public by the lord of the manor.

1027. He did not say that; it was by user. Do you not think that, to your knowledge, ever since you have been steward, Wimbledon has been a village green?—I should say it was not from the circumstance that I just now mentioned, that people have actually applied to us for leave to play cricket on that very green.

1028. How long have you traces back of the existence of the village of Wimbledon?—I believe Wimbledon has existed since doomsday.

1029. Mr. *Locke King.*] Will Lord Spencer, if this Bill is passed, be able to sell the parts of Wimbledon Common not actually on this plan?—If he is able to sell them now, he could sell them after the Bill is passed, but he will not gain any new power.

1030. But you do not propose to restrict his power?—I do not propose to restrict his power.

1031. Are there any other parts of Wimbledon Common not in this map at all?—There are no parts of what is popularly known as Wimbledon Common; there are other parts, as I have already explained, East Sheen, Putney Lower Common, and so on, which are in the manor, but at a distance from that land, and are not shown.

1032. Those of course he will be able to sell?—He will be in exactly the same position as regards those after the Bill is passed, supposing it should pass, as he is now.

1033. Can you say what the extent of them is?—Mr. Lefevre was good enough to read the figures just now.

1034. I wish to call your attention to a letter that you wrote, dated 4th February 1865, in which you say, "I do not conceive that any advantage can accrue to the public from the preservation of the common rights; on the contrary, the inconvenience of preserving them seems obvious, and as the commoners themselves would rather be compensated, the expense of the compensation can, I think, be the only reason against it. But the provisions for carrying out this part of the measure have been expressly so framed as to reduce the compensation to a minimum." Would you state what you mean by that sentence?—We meant to oblige every one to prove as regards his right; and, if he established his right, we meant that the quantity of common left should be taken into account in estimating the value of his compensation, and in that way we proposed to reduce the compensation to a minimum; I do not know whether I make myself understood; what I am assuming is, that a commoner may have a right over a certain portion of the common, he then comes in to prove his claim for compensation, and we wanted to reduce the amount that it was necessary to raise to the smallest possible sum, and so we meant to say, "you have a certain right, if what is left of the common is sufficient, you have no claim; and if it is not sufficient it is only with regard to the deficiency that you should be compensated." It is only to prevent the necessity of selling any more land than could be helped.

1035. Are you of the same opinion now, or are your views changed, as regards these provisions remaining the same?—I do not know that I quite understand what you mean.

1036. Have circumstances occurred since to make you change your mind?—I believe, as far as I can see, the common rights are entirely gone; I was not aware of that at the time; it had been suggested to me, but I had not got those opinions which I have since obtained.

1037. I think originally, when the Bill was first drawn, you apprehended that Lord Spencer's right were very small?—I beg your pardon, I always apprehended that they were very large, but not so large.

1038. You propose by this paper to sell the blue, the green, and the brown, but practically the blue at the end of the rifle pits is not to be sold?—That I understand Lord Spencer proposes to withdraw.

1039. Then this little bit of blue must in all probability be sold, and the green and the brown also, to make up the amount required?—I think when we went into the figures it appeared that the green in all probability would not be required to be taken.

1040. Then you see you are throwing the whole burden of annoyance or inconvenience, if I may call it so, upon the inhabitants of Roehampton?—Supposing that is so, there would be the blue on the Wimbledon side and the brown on the Roehampton side.

1041. But the blue is very small, and is to be sold for a mere nominal sum?—The higher part of the blue near Cæsar's Camp.

1042. That is a very small piece, is it not?—The quantity is on the map.

1043. Would you modify the Bill with regard to the rates of compensation?—Yes, the whole that we propose to be compensated for is Lord Spencer's interest in the lands to be sold.

1044. Then your scheme is amended?—The scheme is amended.

1045. Would you have any objection to place the amended scheme before us in order that we might see in what respect it is amended?—I should have no objection to place the amended scheme before the Committee; I have not any actual scheme except in the form of the Bill, but it would be easy to draw a scheme.

1046. It is materially altered, is it not?—It is very materially altered.

1047. Viscount *Bury.*] And not in a sense pecuniarily favourable to Lord Spencer?—No, it is the other way.

1048. Mr. *Locke King.*] As it is very desirable that we should see that, would you place it in some shape before the Committee?—I will do so at the next meeting.

1049. Mr. *Cox.*] I wish to ask the witness one question in explanation of an answer he gave to me; you say an application was made to play cricket on a certain part of the common; I want to know was not the application made to you or to Lord Spencer to enclose it with rails?—There was one application made, I think, to enclose it; but there were other applications merely to play

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on it; I remember there was one on the part of a school.

1050. Will you be good enough before our next meeting to see what those applications were, whether in one case it was not to enclose it with rails, and whether in the other case it was not an application by a school for the exclusive use of it?—I will bring the applications, if possible.

The Right Honourable Earl SPENCER, further Examined.

The Right Hon. Earl *Spencer.*

1051. Mr. *Cox.*] ARE you well acquainted with Wimbledon Common?—Yes, I am.

1052. Have you seen from time to time many persons on it?—I have seen enormous numbers of people there at certain times.

1053. What have those times been?—During the meetings of the National Rifle Association.

1054. Have you seen numbers of people there on Good Friday?—I do not think I was ever there on Good Friday.

1055. Or Easter Monday?—No, I have not been there at that time.

1056. At other times, besides the meetings of the National Rifle Association, have you seen numbers of persons there?—No.

1057. Have you seen them playing cricket there, or any other game whatever?—I have seen them playing cricket.

1058. Or any other game?—I have seen them playing cricket on the portion which is marked on the plan "Wimbledon Green;" I think I have seen two parties at a time, a school, and also a cricket club, playing in different parts.

1059. But in any other portion of the Common?—No, I have not.

1060. Have you seen any quoit playing there?—I have seen quoit playing at the Scottish butts.

1061. Have you ever at any time seen any notice in any part of the Common warning people against trespassing on it?—I am not aware that I have.

1062. Have you ever given any orders that such notice should be given?—Not with regard to trespassing in the sense in which you mean; trespassing in putting rubbish there, I have.

1063. The trespass that I am referring to is trespass by walking over?—I have not.

1064. Are you aware whether any proceedings have been taken against anybody for trespassing on it?—Yes, I must correct my evidence with regard to that; with regard to gipsies, the only way of proceeding has been by impounding their cattle, and going before a magistrate; I believe there have been several cases of that sort.

1065. Has your Lordship ever given instructions to proceed against gipsies for trespass?—I believe I have.

1066. Or for the trespass of their horses?—It is for the trespass of the horses, I think.

1067. The proceedings that have been taken against gipsies has been for the trespass of their cattle, not of themselves?—As far as I am aware that is so.

The Hon. EDWARD BENNETT WROTTESLEY, was called in; and Examined.

The Hon. *E. B. Wrottesley.*

1068. Mr. *Baillie.*] ARE you a resident at Putney?—I am.

1069. Previous to your residence at Putney, did you reside at Barnes?—I did, for six years.

1070. Are you a magistrate?—I am.

1071. And an acting magistrate?—Yes, and I have a great deal to do.

1072. What is the general feeling of the inhabitants of Putney and Wimbledon with reference to the scheme to fence a portion of Wimbledon Common?—They are unanimously opposed to it.

1073. During the time that you have been a resident at Barnes and Putney, were those commons at Barnes and Putney much frequented by tramps and gipsies?—Very much so; they are a great annoyance to the inhabitants.

1074. Did you find it necessary to take any measures for their removal?—We did, repeatedly.

1075. What course did you adopt?—After a great many attempts through the common keepers to get rid of the gipsies, we at length held a meeting of the inhabitants of Putney parish; a deputation was appointed to wait on Lord Spencer, and with great kindness and courtesy, he appointed a deputy common keeper; and from that time we began to get rid of the gipsies. We found, however, that we only turned them off Putney Common to go on to Barnes Common, which immediately adjoins. Then a committee of the inhabitants of Barnes was formed, in which place I have some property, and we appointed an ex-serjeant of police as assistant common keeper: and in a very short time we got rid of the gipsies.

1076. Since that time that you took effectual measures, do you find the common at all infested by gipsies or tramps?—They came on again for some time; but now, and for more than a twelvemonth, we have completely got rid of them; there have not been gipsies on the common at all except for a short time, or until the common keeper can be found to turn them off: they have never attempted to resist the authorities.

1077. And you found that it was necessary to appoint an additional common keeper?—Yes, it was.

1078. One at Barnes and one at Putney?—The one at Putney was appointed and paid for by Lord Spencer.

1079. And who appointed the one at Barnes?—He was appointed by the committee formed for the purpose.

1080. And those two keepers have been sufficient to exclude the gipsies?—Yes, they have; Barnes and Putney are separate manors; the keeper appointed by Lord Spencer has only jurisdiction over the Putney Common, and the Barnes Common keeper over Barnes Common; but they have acted in conjunction at times, because it was necessary, the two commons being close together, for both parties to be present very often, or else the gipsies would go from one common to the other, and there they would settle for a time.

1081. What is that paper in your hand?—It is the Report of our Committee, which I will read:—"The Committee, in making their report to the subscribers to this fund for the year 1863, have much pleasure in congratulating them upon the perfect freedom of the common from gipsies, tramps,

tramps, and the relative nuisances which, some time since, so seriously detracted from its enjoyment by the inhabitants. This has been attained solely by means of the subscriptions to this fund, and the appointment of an assistant to the common keeper; but the Committee, at the same time, regret that the subscriptions for the year 1863 have not been sufficient to defray the expenses for the same period, but as, up to this time, the proceedings of the Committee have been by many of the inhabitants considered as an experiment, the Committee feel confident that the subscription for the present year will be ample to pay all expenses, and thereby ensure, as a permanence, the present state of the common." I will state here that the subscriptions amounted to 50*l.* 9*s.* 5*d.*; the printing expenses came to 1*l.* 18*s.*; the wages of the assistant and common keeper, from January 4th, 1863, to 2d January, 1864, at 18*s.* per week, amounted to 46*l.* 16*s.*; certificate, police, horse-hire, &c., 1*l.* 7*s.* 6*d.* I may state that it was necessary to hire horses sometimes, because the gipsies frequently make an excuse for not going, because they had not got a horse to draw off their van. It was then necessary to take a horse and draw the van off.

1082. Mr. *Kinnaird.*] Where is the van drawn to?—It is drawn on to the road, and there the police have power to order them away.

1083. Mr. *Locke King.*] You know Wimbledon Common very well, you say?—Yes.

1084. Do you know the part coloured pink on the plan?—Yes, very well.

1085. Do you think it would be necessary to enclose that part to keep the tramps off?—I do not think it would. From my own experience of the ease with which we have got rid of the gipsies on these two commons, I do not think there would be any difficulty at all.

1086. What staff do you think would be necessary, or what expense would be incurred, in keeping tramps off that large portion of Wimbledon Common?—I venture to say, that with two men I would keep every gipsy off Wimbledon Common after a certain time; it might require more at first, but you ought to have two good men—such men as we have at Barnes, who is an old policeman. According to my judgment a common labourer would not do; but you must have a man of experience. Two good men would afterwards keep every tramp and gipsy off the place.

1087. In your opinion what would be an excessive sum to protect the common from the tramps?—100*l.* a year. You would get a very good man for 18*s.* a week. We have as good a common keeper as we require, for that sum.

1088. Mr. *Tollemache.*] What legal powers exist at present to put a stop to the encampment of the gipsies, supposing that the gipsies still encamped there?—There is none that I know of, except by the authority of the lord of the manor.

1089. What you say is this, that with two active men, you would put a stop to the encampment of gipsies altogether, and to the trespass of tramps upon Wimbledon Common?—Yes.

1090. That would be with the assistance of the lord?—Of course.

1091. What power has the lord of the manor, supposing they should refuse to go? You employ the two active men to do what?—To compel them to go. The men are employed to keep the common clear of gipsies and tramps, to do which they are occasionally obliged to pull down their tents and draw off their vans.

1092. Then the lord of the manor would have power to order that?—That has been done over and over again. He has power to pull their tents down, and draw the vans off from the common to the high road.

1093. Of course he would have power to impound the donkeys?—He has power to impound the donkeys. They are constantly impounded both on Wimbledon and Barnes Commons.

1094. But has the lord any further power than that of pulling down their tents and driving their waggons into the road?—Not that I am aware of.

1095. He could not summon them before a magistrate, and punish them?—The difficulty is with regard to the Act. These people do not come under the Vagrant Act, because they have ostensible means of living; they are generally pot menders or chair makers, and they have and ostensible means of living. If those words were left out of the Act of Parliament, then, I believe, it would do as much good as anything, and it would give the magistrates power to treat them as vagrants.

1096. Mr. *Kinnaird.*] If they do resist, and there is a policeman on the road, can you not call him in to assist?—We have frequently had the assistance of the police. Lord Spencer's common keeper has frequently come down to Putney Lower Common to remove the gipsies. We have had the police present to see that there is no breach of the peace. They never interfere while on the common; but they will be present to see that there is no breach of the peace; and the moment there is a breach of the peace the police will interfere. Those were the orders of Sir Richard Mayne.

1097. Once they are on the road, the police see they move on?—Yes.

1098. Is it the duty of the police to see they do not loiter on the road?—Yes.

1099. Mr. *Cox.*] You are speaking only of their vehicles, not of the persons themselves?—Their vehicles; you could not interfere with them on the public road, unless they were doing something against the law.

1100. Do you mean to say you can interfere with gipsies on Wimbledon Common, without they have their vehicles with them?—No, not if they are only walking there.

1101. During the whole time you have known Wimbledon Common, did you ever hear of anybody being interfered with on the common, if they have not got horses or a vehicle?—Not if they are merely walking about.

1102. I will go a little further, or if they are sitting or lying down on the common?—No, no one would interfere with them; I never heard of any instance.

1103. How long have you known Wimbledon Common?—I have known it 13 years.

1104. And you never, in all the course of your experience, ever heard of anybody being interfered with, who was sitting down, or lying down, or walking on the common?—No, never, so long as they conducted themselves properly.

1105. Have you ever seen a great many people there at any time other than upon the assembly of the Rifle Association?—Yes, I have, but I am so occupied myself that I am not often there, except now and then of an evening; I do not live on Wimbledon Common.

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1106. During the 13 years, you must have seen, on the occasion of holidays and at other times, numbers of people there?—No, I cannot say that I have.

1107. Not within 13 years?—No, not at one time; I have heard from persons living near Putney Heath that sometimes people come down to that part of the common.

1108. Pic-nic-ing?—Yes.

1109. In hundreds and in thousands?—No.

1110. You won't go as far as thousands?—No.

1111. Will you go as far as hundreds?—No.

1112. In the course of your experience, did you ever see any board or notice warning people from going on to it?—Never,

1113. Never on any part of it?—Never.

1114. You never heard of anybody being warned or cautioned by the common keeper from going on?—Never.

1115. Or did you ever hear of anybody being driven off, or taken into custody for being on it?—No.

1116. Mr. *Peacocke.*] You are a magistrate, I understand?—Yes, I am, for the county of Surrey.

1117. I think you said that no persons had been interfered with who had carriages or vehicles with them; but did you ever hear of tramps being ordered off the common in vans?—Yes, gipsies and tramps, if they are squatting there.

1118. Mr *Cox.*] With a cart?—Or with a tent.

1119. Mr. *Peacocke.*] But persons without any vehicle have never been ordered off?—Not that I am aware of.

1120. Do you consider that there is a power of ordering them off?—Decidedly; if they settle on the common, it is a trespass. I have known persons removed from Barnes Common for cutting gorse, and committing depredations.

1121. What persons do you consider have a right to go on the common?—Everybody.

1122. What right have you to turn them off?—I do not know that anybody has a right really to go on the common, if the lord chooses to prevent it; but persons conducting themselves properly have never been interfered with.

1123. Then, you consider no person has a right on the common except with the permission of the lord of the manor?—I should think not, but I am no lawyer. I can speak from experience when I say that people go across the common, and they do what they like. Schools play upon Barnes Common, and nobody interferes with them; but I suppose that if the lord of the manor chose to interfere with them, he would be in the right to do it. I conceive there can be no doubt about it.

1124. *Chairman.*] You do not know whether they have acquired a special right or not to play cricket there?—I am quite sure they have not acquired a right, I am very familiar with the government of Barnes Common; and I am quite sure that they have no acquired right, and that the steward of the manor can turn them off at any time he pleases.

1125. For playing cricket?—Yes.

1126. Mr. *Peacocke.*] When you have these vehicles removed off the common, do you have the persons accompanying them removed too?—They take care to go after them. These vans contain their chairs, with their clothes and other property, and therefore they go with them generally.

1127. What I put is generally this, that you consider the lord of the manor has the power to remove persons off this common?—Yes, I do.

1128. Of course, except they are commoners or copyholders of the manor?—Yes.

1129. Mr. *Rose.*] I think you say that the gipsies carry on a lawful calling. What objection have you then?—Because they are vagrants and beggars, and are a nuisance to the inhabitants.

1130. Mr. *Lefevre.*] Who are the conservators of Barnes Common?—Barnes Common belongs to the Dean and Chapter of St. Paul's.

1131. What is the extent of Barnes Common?—I cannot answer that question exactly, but I should say 50 acres.

1132. Now, have you ever known any persons walking on the common turned off?—No, never in my life; unless they were begging or committing depredations. I have seen people taken into custody for begging.

1133. Have you ever known persons playing at cricket there turned off?—Never.

1134. Or at any other games?—No.

1135. Viscount *Bury.*] I think I understood you to say, in answer almost to the first question, that there was a unanimous feeling against the Wimbledon Common Bill?—I have not canvassed the opinions of every person in the parish; but there were two public meetings at Putney which were unanimous against the inclosure.

1136. I think you also said you had lived on Wimbledon Common?—No; I have lived at Barnes.

1137. Where do you live now?—I live between Putney Lower Common and the church; what they call the Lower Richmond-road.

1138. You said, in answer to another question, that you had not been very often on Wimbledon Common; in fact, you had been very seldom on it?—I do go there often.

1139. In point of fact, you have no particular opportunity of ascertaining that general disapprobation on the Wimbledon Common Bill?—Only as a resident. Living in the neighbourhood, I ride over Wimbledon Common very frequently in the summer time. In the winter I seldom go there except to visit my friends.

1140. On what ground do you object to it?—On the ground that I cannot go where I like if it is inclosed.

1141. Are you aware what kind of fence Lord Spencer proposes to put up?—I have heard of two or three. The first proposal was an iron railing.

1142. Would your objection cease in any degree if you were told it was merely a low oak rail, perhaps the height of this table, to keep cattle in, and that there are to be means of ingress and egress at every place where there is now a pathway?—There could not be egress and ingress at every point.

1143. At every point where there is now a pathway?—We object to inclosure of any kind.

1144. No sort of fence could made any difference?—Not the least in the world. If you cut a ditch that would keep the gipsies' carts out; it would be a great nuisance to people riding about that common, which I have done for years, and gone wherever I liked.

1145. You say you never do ride there?—Yes, I do ride there frequently in the summer, but I do not live there.

1146. Mr. *Kinnaird.*] You say you have a watch upon Barnes Common. Who is lord of the

the manor there?—The Dean and Chapter of St. Paul's.

1147. Have they ever intimated their intention to inclose, or in any way interfere with the rights of the public?—No, I believe they are averse to inclosing. I have always understood so.

1148. They consider it for the public advantage to keep it open?—Yes.

1149. This watcher, assisting you at Barnes, was appointed for the comfort and convenience of the public?—Of the inhabitants and the public, and to protect the common from injury; also to suppress nuisances.

1150. Not to interfere with the liberties of any man, but they have authorised a man to be kept on that common, so as to give the greatest amount of enjoyment to the public?—Yes; I may state that that assistant common keeper is entirely paid by private subscription, sanctioned by the lord.

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Lord Elcho, a Member of the House, Examined.

1151. Viscount *Bury.*] You are Chairman of the National Rifle Association?—I am.

1152. They have the permission of Lord Spencer to erect butts?—I may state that the terms upon which we have erected butts are, that we have an annual agreement with Lord Spencer, by which he gives us permission during the time of the meeting, and for about three weeks before the meeting, to make the necessary arrangements. By that agreement we are bound, if required, to level all the butts which we have erected, but that is a part of the agreement which Lord Spencer has never enforced; and I am very glad of it, because the expense thrown upon the association of annually erecting these butts, would be such that the association would cease to exist.

1153. Is it your opinion essential, in a national point of view, that we should have an opportunity of erecting our butts on Wimbledon Common?—Yes. My object in wishing to be examined here is twofold. I wish to show the position of the association with reference to the Bill, and also as regards Wimbledon Common. With reference to the latter part, I may state frankly to the Committee, that Wimbledon Common is the only place, not only near London, but it is the only place, so far as I know, in Great Britain, where we can conveniently hold our meetings. When this association was first established in 1860, the idea was to form it on the principle of the Royal Agricultural Society, that is, to migrate from county to county. In the first instance, we hoped to find a suitable place near London. We thought of Epsom, of Woolwich marshes, and of every kind of place; but the place of all others, that combined everything which we required, was Wimbledon Common; and Lord Spencer, who was a kind friend to the volunteer movement, and to the association, immediately allowed us to do whatever was necessary to hold a meeting there. That was the only suitable place near London in 1860 and, *à fortiori*, in 1865. Before coming here, I jotted down a few items of our expenditure on the common, and I find that in the five years, 1860, 1861, 1862, 1863, and 1864, we have spent in earthworks and drainage 4,083 *l.* 3 *s.* 1 *d.* With reference to this expenditure, no person who knew Wimbledon Common as it was in 1859, or 1860, when we first went there, and has seen it now, but will say that that expenditure has made the common infinitely better adapted to the purpose of recreation, and that it must have made it more healthy; for whereas parts of it were so marshy that one could not go on them, we have drained those; and through other parts, which were almost inaccessible, we have made roads, and have improved the existing roads greatly. Our expenditure, therefore, has been of the greatest service to the inhabitants of Wimbledon.

1154. Looking at the volunteer movement as a measure of national security, do you consider it advisable in the interests of the public that the National Rifle Association should be maintained?—I not only think it desirable, but I think it absolutely essential; because I take it that there was as much patriotism in the year 1803 as there is in the year 1865; and that it was not for want of patriotism that the volunteers of 1803 vanished into thin air, but that the difference is that there was then no prize shooting to encourage them. I see a good volunteer on my right, the late Lord Mayor of London, who will confirm me when I say that the thing which keeps men together is the shooting and the competition at the butts. They want some great national prize meeting where the best shots may meet, and that is provided by the National Rifle Association. I believe that, if the association ceased to exist, the county associations would cease to exist, and then the regimental shooting would fall off, and the force itself would disappear. We cannot move about from place to place. As we could find no place in 1860 but Wimbledon we are less likely to find one now, and if we lose Wimbledon, we lose the association, and the volunteer force would vanish.

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1155. I believe that the county associations are in correspondence with you?—They are all affiliated to us.

1156. You believe that they would all fall to the ground if this association did not maintain itself, and that it can only maintain itself in a place like Wimbledon Common?—It is not a matter of belief as to these associations disappearing if we cease to exist; it is a matter of conviction. We could not move about, because we must be near London, and I know of no place except Wimbledon Common where our meetings could be held.

1157. This Committee is very desirous of proving that the public have very considerable rights in Wimbledon Common, and the volunteers, representing part of the public, are very much interested, are they not, in the maintenance of the common as a place of recreation?—Besides the National Rifle Association, I may mention that there are several corps, amongst others Lord Bury's corps, my own, and others, to whom we allow certain days for the use of our butts. We selected those parts of the common for the permanent ranges that would interfere least with the enjoyment of the public; and it is essential to the existence of these corps that we should have the continued and permanent use of these butts. If we were to lose them, I feel, and I believe that my noble friend Lord Bury feels, with me, that our corps would respectively slip through our fingers.

1158. You are aware that we hold those ranges at the pleasure of Lord Spencer at the present moment?—When this Bill was first brought in, some

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some gentleman wrote a very indignant letter to the newspapers on the subject, and I thought it right to explain how the matter stood, and that we occupied the common at the will of Lord Spencer.

1159. You are aware that the scheme of Lord Spencer, which goes by the name of the Wimbledon Inclosure Bill, proposes to continue to us that privilege?—I believe it does.

1160. And therefore on the part of the National Rifle Association, and as Colonel of the London Scottish, you have no reason to disapprove of the Bill?—I said I wished to speak upon two points, one, the position of the Association and the corps, as regards the common; the other, the position of the Association with reference to the Bill. We have never had the subject brought before us as an association, and therefore every thing I say is in my individual capacity. An impression seems to have gone abroad that as the National Rifle Association and other corps are mentioned in the Bill, this Bill was brought in with our concurrence and approval, or that we had got Lord Spencer to do it; that is not the case. The National Rifle Association had nothing to do with bringing in the Bill. If our names appear in it it is owing to the interest which Lord Spencer takes in this great national force; and if the names of certain corps appear it is from the same motive. We had nothing to do with instigating or promoting the Bill; and the best proof I could give of that is this: I do not know whether the Bill is still drawn in the form in which it first appeared, but there is a part of the ground, marked blue on the map, in the rear of our butts; it is now waste land; our fire is in that direction, and the fire of the corps with permanent ranges converges towards that blue ground; when I saw that I pointed out to Lord Spencer that if that part were to be sold and cultivated or built upon, it would bring cultivated land much nearer to us in the direction of our line of fire, and probably increase the damages the Association would have to pay. As regards the other corps, it might possibly interfere altogether with our shooting, if persons who bought that land objected to our doing so on account of their being in the direct line of fire, although we very seldom hear of our bullets going over the hill; I thought it my duty, on the part of the Association, to point this out to Lord Spencer; and I suggested to him that we should each appoint a gentleman to examine the ground; I proposed Colonel Drake, of the Engineers, instructor of musketry at Gravesend, and Lord Spencer appointed Colonel Kennedy, an officer of great distinction, who perfectly understands all these musketry matters. These gentlemen examined the ground, and the report we got from Colonel Drake corroborated the view which I had taken with reference to this bit of ground. That is the position in which matters now stand.

1161. Are you aware that, as volunteers, and members of the National Rifle Association, we are only interested as part of the public in this matter? We have no *locus standi* except as part of the public?—None whatever; we have no right of any sort or kind; that is admitted in the agreement.

1162. We have no *locus standi* on the Bill?—I am not aware that we have; I can give no opinion upon that; I do not speak on the legal bearings.

1163. With regard to another question, I believe that you, as one of the public, have played at golf on that common?—I have; that is to say, we have recently started a barbarous Scotch game called golf.

1164. The common is exceedingly well adapted for that?—I do not say it is exceedingly well adapted, but we manage to play on it; but if the grass were shorter and more eaten down, it would be very much better.

1165. In fact, the changes contemplated by the operation of this Bill would not have the effect of injuring the ground for your golfing purposes?—I think it would have the effect of improving the ground.

1166. And if it was drained the cattle would feed upon it?—Yes; we were playing the other day round the part which we had drained; after the snow I found it still very wet indeed, and our balls as frequently went into water as on to land.

1167. As one of the public, and speaking only as one of the public, you no doubt object to a high inclosure round Wimbledon Common?—As regards the inclosure I have had a strong feeling on the subject. I was horrified at the idea of an iron fence, and I did not fancy boards and gates shutting up the common at sunset, and making it like one of the London parks. We have got the park at Richmond near it, and Battersea Park on the other side. I think that the great pleasure in these commons is their wildness, like the wild heaths in the north; I therefore strongly objected to the high fence, and Lord Spencer has altered it as far as possible to keep up the wild character of the place; but when I saw the plan proposed at Lord Spencer's solicitor's, and the proposed new roads were pointed out, I strongly objected to them. All that, I believe, has now been altered. As regards the fencing, I think it would be a great pity to inclose the common in the way originally proposed; and if there be any fence at all, which I suppose is necessary, in order to increase the revenue, I think that that fence ought to be of the same character as the common, viz., a rough split oak post-and-rail fence. Two rails, and, in order to prevent lambs from straying, a wire drawn along the lower part is all that is required, and I do not think such an inclosure would interrupt the enjoyment of the common. I heard the evidence given by the last witness, who objected to the inclosure on the ground that he could now get on to the common at any part; if he rides a hunter, or if he can sit a fence, he can do so; but if he can do neither he cannot, because there is a ditch runs along a considerable part; I, myself, on some occasions, have had a difficulty in getting over the ditch, and have been obliged to submit to the humiliation of going round; now, if this common were inclosed, provided its character is unchanged, provided it is drained, and provided there are sufficient openings left, at intervals, all round, I do not think the public would lose as regards access to the common; it would rather gain.

1168. If you are informed that Lord Spencer intends only to have a rough post and rail round the common, with openings wherever the roads at present exist, you do not think that would deteriorate materially from the wild aspect of the common?—I do not think it would; I think that it would be an advantage to the public, because it would give them access all round, which certainly at the present moment they have not. The only point I wish particularly to impress

on the Committee is, that as the expenses of whatever is done on the common are to be defrayed by the sale of land, those expenses should be kept as low as possible, with the view of selling as little as possible of the remainder of the land; because, clearly, the more that is uninclosed the better it will be for volunteer purposes or any other. I have spoken of this ground for shooting purposes for the National Association, and for private corps; but it is used likewise for drill, and although our review takes place every year only within the inclosure, still there might possibly be occasions when it might be desirable to have a review at Wimbledon, whether for the volunteers or for the regular troops, or both combined, extending over a larger space than we can inclose at our meeting. I do not know whether it is any breach of confidence, but I know that the Commander in Chief talked to me on that subject, and thought it would be extremely desirable, with the view to making the commons available for the purposes of a Champs de Mars near London, that the land should be drained. Of course the more space left unbuilt upon and open for these military purposes the better for them, and I think for the public too.

1169. Are you aware, as a matter of fact, that that part coloured pink, and which Lord Spencer proposes to dedicate to the public, represents the only ground which is available for military and drill purposes?—At present; the green might be made available likewise. But there is a wedge next to the green, and marked in white, which is next to Chelsea Waterworks, between the Putney road and a road that goes across to the parish of Putney. There are no houses near there now, so that it would not interfere in any way with the enjoyment of the persons in the neighbourhood of the common, if that were sold and built upon, and it is a part of the ground which is now thoroughly waste. It is a dense gorse-bush, and so boggy and wet that no one would ever go on it.

1170. Are you aware that Lord Spencer is willing to substitute any other land?—I am; and knowing the common well, it appears to me to be the part which it would be most desirable to sell first, and it could not possibly injure any of the residents in the neighbourhood.

1171. That is a matter of detail for the Committee, after the second reading of the Bill?—Clearly.

1172. *Chairman.*] I believe it is not at all necessary for the purposes of the National Rifle Association that this common should be inclosed?—It would leave us as we are, with this exception: I believe that under the Bill we are specially mentioned. If any power is given to those who have power over the common to recognise us, and to allow us to shoot there, for those purposes, I imagine, that would override any objections that could be raised, and that we should then acquire a position which we now have not.

1173. I am speaking with reference to a fence round the common; that is not at all necessary, as I understand you, for the purposes of the Rifle Association?—If there were such a fence as was originally proposed, a high fence of any kind, whether of iron or any other material, that fence, if it were erected, would save us 500 *l.* a-year, or something of the kind. Therefore, as chairman of that Association, looking only to its interests, I ought to say, by all means erect that fence; but, as an individual, I devoutly pray that such a fence may not be erected, and that if any fence be erected, it may be confined to a post-and-rail. That post-and-rail fence would leave us just as we are. We should have to put up a fence to prevent people coming in, because we cannot hold our meetings without one.

1174. Then, in point of fact, the post-and-rail fence would not be of any benefit to the National Rifle Association?—It would be neither a benefit nor a loss.

1175. Mr. *Baillie.*] You say that this Wimbledon Common is the only place that will suit your purposes?—I do.

1176. Why would not Richmond Park do?—It would not suit us.

1177. Why not?—It is further from London, for one thing; that makes a considerable difference to us.

1178. It would save 500 *l.* a-year?—We should lose more by the distance than we should gain by the 500 *l.* a-year.

1179. What is the difference in distance?—It is almost half as far again.

1180. It is not two miles further, and there is a railway?—The fare to Putney station is only sixpence, and we have the experience of one ground, and no experience of the other; we have also spent 4,000 *l.* on these works which now exist, and we could not undertake to go to another place and erect the same works. I should immediately resign the position of chairman of the Association, and leave to the Honourable Member, or anybody else, the work of bringing it up again to the present state it is in, which I am confident neither he or anybody else would do elsewhere.

1181. But do you speak with reference to the butts?—Mainly.

1182. What would be the cost of making the butts at Richmond Park?—Very large indeed, including the carriage of stores; and besides I speak with reference to this in utter ignorance. I do not know whether in Richmond Park there is a range, and whether behind the range there is that amount of ground unoccupied by houses which is necesary. We require as much ground again behind the butts to be unoccupied by houses, and whether that could be obtained at Richmond Park I have not the remotest idea; but I very much doubt, indeed I am almost confident, it is not to be had.

1183. Do you not think it is a great nuisance to people near Wimbledon to have permanent butts?—I do not; and I think that for a great national object, persons who live near Wimbledon might very reasonably make that small sacrifice, and not grudge the men who are performing the duty that they themselves ought to be performing, so small a sacrifice as that.

1184. Do you call it a small sacrifice to have firing every day close to your house?—I do; there is no house near; and if there were, I would still call upon those people to make that sacrifice.

1185. We have people complaining of organ-grinders; do you not think constant firing by riflemen is as great a nuisance?—I believe the honourable gentleman is not a volunteer, and that may in some degree explain his putting volunteers on the same footing as organ-grinders; but I do not know whether his constituents would take the same view of it, or the public generally.

1186. I mean

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1186. I mean with regard to the noise?—I accept the analogy, and I have answered the question.

1187. You would not consider that a nuisance if you had a house near which riflemen were firing all day long?—I have already answered the question, that there are no houses near; and that, if there are no houses near, therefore, there is no annoyance.

1188. There are houses within a few hundred yards?—I think I may safely say that there is no house within 500 or 600 yards.

1189. *Chairman.*] How far is the Robin Hood public-house from that butt nearest to Putney?—I should think it is the better part of a mile; certainly, it is half or three quarters of a mile.

1190. Viscount *Bury.*] Within your knowledge, is there any other house that can be seen from there?—There is a large house that belonged to Mr. Elger, the builder.

1191. Mr. *Baillie.*] How far is Richmond Park from Wimbledon Common?—I cannot say; a considerable distance.

1192. Is it more than a hundred yards?—It is very much more. To the best of my belief, it is more than a hundred yards.

1193. But you do not know?—To the best of my belief, it is.

1194. I am informed that there is one point of Wimbledon Common from which Richmond Park is only distant a hundred yards?—It may be so. But I wish the Committee to observe the part that is pointed out to me; I am asked whether Wimbledon Common is not at one part within a hundred yards of Richmond Park; I say I am not aware of it. It is pointed out to me that there is a point which is. This is what one generally knows as Wimbledon Common, which is the part coloured pink. The part which is now called Wimbledon Common, and which is supposed to be within one hundred yards of Richmond Park, is that little thin strip, like a rat's tail, which runs off from the blue, which is no more what we should call Wimbledon Common than Shooter's Hill.

1195. Mr. *Rose.*] Would not a rail of any kind interfere with the assembling of the regular troops and volunteers?—No.

1196. Looking at the number of troops which would be brought there, if there were any large addition of regular troops, with cavalry and infantry, would it be possible to manœuvre if the ground were inclosed within a rail?—Yes, I should say so decidedly, because the ground upon which our volunteers' reviews are held, is a very small portion of that proposed to be inclosed. The manœuvres of cavalry and infantry which take place every year on the last day of our meeting on Wimbledon Common, are confined within the inclosure. It would be a very great advantage to us if Lord Spencer inclosed all the extent of ground which would be available for military manœuvres.

1197. Mr. *Lefevre.*] You have never manœuvred on the part coloured green?—Never; we have never manœuvred beyond the windmill. Our manœuvres have all been confined hitherto to the ground between Cæsar's camp and the windmill.

1198. Do you consider that part coloured blue is necessary for rifle shooting?—I do.

1199. Have you found any difficulty from the commoners?—No; on the contrary, we have received every civility from all the commoners.

1200. You have no reason to suppose that they would object?—No. I shall not mention the name, but there was one gentleman who was very hostile to our going there at first. He has since been convinced that we have only done the common good; and he has given us a permanent prize. I should wish, with reference to a question put to me, in respect of the annoyance caused to persons in the neighbourhood, to state that since I have been in this chair, a gentleman has leant across and told me that his house is the nearest of all, and that we cause him no annoyance whatever.

1201. Mr. *Lefevre.*] Your butts, as they are at present constructed, do not interfere with cattle feeding on the common?—Not in the least. I should say we have made five roads across boggy valleys where no man nor beast could go before.

Jovis, 30° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. Henry Baillie.	Mr. Shaw Lefevre.
Viscount Bury.	Sir John Shelley.
Mr. Hanbury.	Mr. Peacocke.
Mr. Locke King.	Mr. Alderman Rose.
Mr. Kinnaird.	Mr. John Tollemache.
Mr. Locke.	Mr. Torrens.
Mr. Lyall.	Mr. Vance.

JOHN LOCKE, Esq., IN THE CHAIR.

Rear Admiral B. J. SULIVAN, C.B., called in; and Examined.

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1202. *Chairman.*] WHERE do you reside?—In Roehampton Park, facing Wimbledon Common.

1203. Are you in the parish of Wimbledon?—In the parish of Putney in the hamlet of Roehampton.

1204. Is that in the manor of Wimbledon?—It is.

1205. I think you consider Wimbledon by far the healthiest district in England?—Hearing that one reason for carrying out this scheme was, that it was that the neighbourhood was said to be unhealthy, I referred to the Registrar General's last Report, giving the deaths for 1861, and taking the healthiest outlying country districts as being represented by 16 deaths per 1,000, and 15 per 1,000 in other healthy districts near London, Putney, with a great piece of Wimbledon Common attached to it, has only 12 per 1,000, and Wimbledon is, I believe, the lowest in the whole list, with a mortality of only 9·8 per 1,000.

1206. To what do you attribute that?—Its high position, and the fine pure air and the gravel soil.

1207. Do you think that its being an open space tends to its salubrity?—Certainly.

1208. Have you turned your attention at all to the drainage of Wimbledon Common?—Yes; I have resided there for four years. I first knew the common well five years ago, when I began to ride over it. A good deal of the flat part of the common now proposed to be inclosed was, in 1860, very wet in many places, but through the slight surface drainage by the National Rifle Association, the common has been much improved, and is now so dry that you can walk and ride dry over the greater part of it.

1209. Do you think that any great expense would necessarily be incurred in completing the drainage of Wimbledon Common?—No; I think that a very superficial system of drainage would be sufficient, and I consider that is proved by the fact that the slight drainage carried out by the Volunteer Association has very much improved the common. I should wish to add that the chief necessity for the drainage, and particularly if it does at all bear upon the health of the neighbourhood, arises from the number of stagnant pools which have been formed by digging gravel along the Wimbledon-road, the pits never having been filled up again. Any drainage to be useful must fill up those pits, but I think that the expense ought to fall upon those who have dug out the gravel.

1210. By whose direction have these gravel pits been dug?—I suppose under the direction of the steward of the manor.

1211. Have you heard the evidence which has been given with regard to gipsies and tramps frequenting the common?—Yes. I think that the statements which have been made with regard to the gipsies as a reason for the proposed change are very much exaggerated. I think I can trace the exaggeration to the statements made in a petition sent to Lord Spencer by parties in Roehampton, and principally by the clergymen. A number of sins have been laid at the gipsies' door with which I consider they are not chargeable. I happen to live exactly in front of the land on which they always come; they hardly ever go to any portion of the common except a piece which is within 400 or 500 yards of my gate, and I have seen a great deal of them in the last four years. Although some objections do exist, particularly to the system of begging by the ragged children as the carriages pass along the road, yet with respect to the annoyance said to have been caused by them, I think that certain parties have been altogether mistaken. In consequence of the neglected manner in which the common has been attended to for some years, a number of wretched women have been in the habit of taking up their quarters on the common every summer. They live, I believe, supported by young men, in the neighbourhood, or by the gravel diggers, and the scenes in which they take part are quite disgraceful. When I first went there I found them sometimes almost in a state of nudity, washing their clothes in the ponds by the road side, and I drove them away ultimately by threatening to call the police. I believe that the evils that have been complained of at Roehampton were all to be traced to this particular class of people. Objections are made to the habit of the gipsy women and children begging, and also to their grazing their beasts upon the

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the common; but there is another offence they have been accused of, which I think they do not deserve, and that is firing the common. I have seen several fires on the common since I have been there, and on two occasions I have, with two or three of my family and servants, put out fires before they had burned out more than half an acre. On one occasion we should not have succeeded in doing that, except with the assistance of some of the gipsies who were encamped in the neighbourhood. On this occasion the heath had been intentionally set on fire by people going along the road. On one occasion a man was seen to light a match and set fire to a gorse bush.

1212. Is there any reason for supposing that these fires are caused by the gipsies or tramps?—I believe not; I believe they are generally wantonly caused by people passing along.

1213. Is it your opinion that the annoyance with respect to gipsies and tramps might be easily removed?—Perfectly so; with very little effort on the part of those regulating the common, with a little additional assistance.

1214. What measures do you think would be necessary to effect this?—Judging from Barnes Common, and Lower Putney Common, I doubt whether one good common-keeper under the present one would not be sufficient; but, at the outside, two would do it as efficiently as if a fence were put up.

1215. That is if they conscientiously perform their duty?—Certainly. There is another thing which it is necessary to point out, that in this case the Bill only proposes to inclose a part of the common to which the gipsies never go, with the exception of one corner, and if they are driven from that, and from another spot, by the sale of the land, there is still a portion of Putney Heath left out of the Bill upon which they would congregate.

1216. Is it your opinion that the interests of the public would be served by inclosing two-thirds of the common?—I have tried in every way to see how they could be benefitted by it, and not only do I fail to see how the public would be benefitted by it, but I do not see how anyone would be. At first my own strong impression was, that not seeing the slightest benefit to Lord Spencer or to the public from the proposed plan, it was being done for the National Rifle Association, and to save them the annual expense of a fence, giving them also the right to demand payment for entrance within the fence, which has been disputed the last year or two, and perhaps will be disputed again. The more I have seen and heard of the scheme, and particularly since I heard Lord Spencer's evidence, I have been at a loss to understand how anyone can benefit by inclosing the common, and selling the land. Under the present system Lord Spencer has the gravel and turf, and certain rights of pasturage. He proposes to give up his pasturage towards the maintenance of the common, reserving to himself a portion of his present income. On the other hand the public would have a restricted use of 600 or 700 acres, instead of the entire use of 1,000 acres, and the best portion, so far as the public are concerned, is the very portion which is intended for sale. I think that no one during the whole of the summer will see a single pic-nic party on the part that is proposed to be inclosed. It happens that the only portion of the proposed inclosed part that is undulating and agreeable for people to walk upon is occupied by the butts and ranges of two rifle corps. The remaining part, which is very beautiful and undulating, and presents the most beautiful views, is the part intended to be sold, particularly one spot where there are seats to which people resort in the summer time and where you will often find artists sketching Coomb Wood; that is the part colored green on the plan. With respect to the green, I should say also that the broadest part in the centre of it is very dry, being perfectly drained by natural drainage into a pond. It has clumps of gorse with nice open green glades, and in the summer it is the favourite spot to which the poorer class of people with their children come down of an evening with their carts and ponies and take their tea. I have never seen any other part of the common used for that purpose. Then again, the part coloured brown in the map, close to Roehampton, is the playground of the youths and boys of Roehampton; it is to them what Wimbledon Green is to Wimbledon. It would be therefore, a very serious injury to Roehampton, if the part marked brown is built upon. Then there is a little spot between the park and Roehampton, which was a sort of small green, that was sold to the Conservative Land Society in connection with the Roehampton estate. It is now being rapidly built upon, so that the people are deprived of the use of that little green; and, therefore, if the part marked brown is taken away from them there will be no place of the kind near the village of which they can avail themselves.

1217. Is that part a part of the common?—No; I believe there was some dispute about its being part of the Roehampton Park Estate, but when the Conservative Land Society purchased it, it was proved to be part of that estate.

1218. From whom did they purchase it?—From Lord Bessborough.

1219. Mr. *Locke King.*] It was not inclosed, was it?—No.

1220. *Chairman.*] Now, do I understand you to say, that you consider this scheme in every way objectionable?—I think so. I think as it is now reduced to a light fence it is useless to the volunteers, and rather a hindrance if a large force ever went to manœuvre on the heath; an open space is much better, because a fence would limit the volunteers marching on to the heath to certain gates, and at present they can go over the heath wherever they choose. And besides that, it is of great value to the public for riding, especially people who keep horses in the neighbourhood, who generally have a gallop over it every morning or evening. Until the last two years I and my family have been in the habit of riding nearly every morning or evening over that part of the common. We went off and on the common at any spot, and instead of there being ditches, which would make it impossible to get on, the ditches are so slight that any common hack can step over them; so that there is now no hindrance in the access over all the common except where it is caused by the pools dug for gravel, which do hinder the free access to it from the Wimbledon side very much indeed.

1221. Have you considered at all, supposing a fence of the slightest description were put up round this common, what might possibly be the result as to the mode in which this inclosed space might be dealt with; can you see anything in the scheme with respect to that?—I have taken it for

for granted that the space coloured pink was to be dedicated to the public for ever by Lord Spencer; therefore there is no question as to the rights.

1222. As to the mode in which it should be treated, is there anything in the scheme as to when that should be carried out?—There were proposals to make roads which I think were objectionable.

1223. And to plant trees, were there not?—Yes; in fact I understood at first that it was to make it a park; but I think Lord Spencer afterwards expressly said he would leave the inside of it open as it is now. There was also, I believe, power in the Bill for making a lake; and it so happens that there is a valley in which a beautiful lake could be formed. I do not see any objection to that, indeed I think it would be an advantage; it would make it a very much better field for the volunteers' manœuvres and sham fights. I think it would benefit the volunteers very much and would not be any injury to the public; in fact, it would be an advantage. But then, if it were done, I think it should be done by the volunteers, and the land in the neighbourhood should not be sold, and the common taken away to do any work of that kind. That, I think, is also a great objection to the mode which is proposed for putting up a fence.

1224. Viscount *Bury.*] Is the valley you speak of between the short-range butts and the windmill?—Yes.

1225. *Chairman.*] As I understand, you are satisfied with the common as it is?—I am; and I have not heard of an objection myself until I heard of it at these meetings which have been held about it. I have never heard an objection made to the state of the common with one exception, which is the way in which filth and rubbish are allowed to be put there. If any of the Committee go down there, which I wish they would, I should like to call their attention to the end which is close to Wimbledon, where everyone who goes to walk on the common, or on the road, must pass, and where there are now filthy manure heaps (a large space is covered with filth accumulating for manure), and it is a perfect eyesore to the neighbourhood, which, as well as the stagnant pools, I think might be dealt with by the owner of the common.

1226. They might deal with that if they chose?—Yes; and there is a small piece near Roehampton, which is equally objectionable.

1227. Do you see anything in the scheme to satisfy you as to the mode in which this common might be dealt with afterwards, supposing it to be vested in trustees?—I think at present that would be provided for in the Bill as far as the portions to be inclosed are concerned, but I think the half of Putney Heath, which is a very beautiful part, would be permanently sold, and the other half would be left, and Wimbledon Green left. If Lord Spencer exercised his right over the pink part on the plan, and that is accepted as a gift from him by Parliament for the public, it at once gives him an entire power over the whole that is left, and he may sell Wimbledon Green or the other part of Putney Heath at any time he thinks fit, afterwards exercising the same authority over it as he did with respect to this.

1228. Is there, therefore, any security for the public under this scheme?—I think not. I think that, taking for granted that Lord Spencer's desire is not to benefit himself (in fact, he is injuring himself, I believe), and that he desires to give the benefit to the public irrespective of the volunteers, we now have Lord Elcho's evidence that anything of a light fence would be useless to the volunteers, but that if the fence had been a high and solid one, such as would be useful to them, it would save them 500 *l.* (I thought 1,000 *l.*, because the last report of the National Rifle Association mentions 1,060 *l.*), but that as that was not to be put up, I understood Lord Elcho to say that he did not wish it for the volunteers unless it was a high fence. And, therefore, as it would be useless to the volunteers, as the plan would not increase Lord Spencer's income, but possibly reduce it, and as an alternative plan has been proposed in the neighbourhood, if he would dedicate the whole of the common to the public, as he proposes to do 600 acres, and would sell no land, but would take a subscription from the neighbourhood to do all the necessary drainage, and a sum of money were raised either by a subscription or a rate, which meetings have unanimously agreed to submit to, for paying the common keepers yearly, and so keeping the common in order, it seems to me that the public would have a better common than they have now, because it would be better drained, Lord Spencer would have all his rights of common, and better pasturage than he has now, the commoners would have all their rights improved, and therefore no sale of land would be necessary to compensate them, or compensate anyone, the whole neighbourhood would be pleased; so that I do not see in any way how Lord Spencer's scheme could benefit anyone.

1229. Is there anything you wish to add to your evidence?—I think there has been some question raised as to whether the people in the neighbourhood objected to the state of the common. It has been said that there have been objections made to the Rifle Association being on the common. As far as I know, that is not the general opinion in the neighbourhood; I have never heard it expressed during the four years I have been there; on the contrary, I have heard nearly every one that I know speak of those meetings as giving them great pleasure; parties come to stay with friends on the common for the sake of attending them, and I have never heard an objection made to them in the neighbourhood; therefore, putting up a fence for a fortnight, which they do, has, to my knowledge, never been objected to, and I doubt whether there would be an objection to their having a legal right to take payment during that fortnight for the persons who come inside it; but that is only my private opinion.

1230. If it were clearly defined what their privileges were to be?—Yes; I for one, as a resident, would like to give them the advantages of the legal right to take payment on putting up that fence during the fortnight; I think it would be a very good thing for the volunteers, and I think the public would make no objection to it, and I believe that most of the residents around would approve of it as much as the volunteers.

1231. Mr. *Locke King.*] You object, I think, to a light fence, because you are afraid that it may lead afterwards to a substantial heavy fence?—I thought that might be defined; but I think any fence, however light, is both useless and objectionable, useless for any good as a fence, and objectionable, inasmuch as it restricts the use of the common in a great measure.

1232. Then you can see no advantage in any way

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way whatever from a light fence?—Not the slightest, in any way.

1233. I think you have very little doubt but that by a subscription funds could be raised to keep off the tramps?—I may state that we roughly estimated that the common could be kept in very good order indeed for 300 *l.* or 400 *l.* a year; that is, keeping the drainage in order, and providing for the police. At a meeting at Putney it was proposed that the neighbourhood should submit to a rate not exceeding 1 *d.* in the pound on all houses above 30 *l.* a year, and that houses in the immediate neighbourhood of the common should be rated double. That resolution was passed so unanimously that only one person objected, and endeavoured to move an amendment, but could not get a seconder, and therefore it was passed unanimously.

1234. Mr. *John Tollemache.*] Was that a large meeting?—A crowded meeting; the room was full. It was calculated by those who knew that that rate would give about 300 *l.* a year. Now, I believe that 100 *l.* a year will keep the common in perfect order; and I believe that if you got another 100 *l.* for keeping in order the watercourses and drains, other than those which are caused by digging gravel, for 200 *l.* a year Lord Spencer's common keeper, with two assistants, can keep the whole common in order, and therefore a halfpenny in the pound on houses above 30 *l.* a year would nearly find that. And not only that, but I am sure if you went round the common, and got the names of the owners of the houses down to a subscription, you would raise a good deal more than that. I may say that, merely to carry on the opposition before the Select Committee, nearly 3,000 *l.* has been raised, and if the lawyers do not get that in the opposition before the Committee, there is a sum of money which would at once be given to do all the drainage on the common; and I may go further than that, and say that if 6,000 *l.* were necessary for the common, that 3,000 *l.* would be doubled at once by subscription in the neighbourhood, if Lord Spencer agreed not to abandon the Bill, but to give the public, not the 600 acres as he proposes, but the whole 1,000, and not to sell land or inclose.

1235. Mr. *Hanbury.*] Will that 200 *l.* a year include draining in the first instance?—No; I provide for the drainage by money that has already been subscribed, which I think I am right in saying is nearly 3,000 *l.*; I do not know the exact amount, but it is over 2,500 *l.*

1236. It would be only a surface drainage, would it?—Only surface drainage would be required, unless deep drainage should be necessary for these gravel pits. That would be better done by filling them up nearly to a level, and then the same surface drainage would take the water off. If deep drainage was used to drain those gravel pits, it would injure the wells. I may add, that the only spots now that are very wet that really require drainage are those between the Windmill and Tibbitt's Corner, which are nearly flat, with a slight slope towards Tibbitt's Corner. That spot, and the spot near Putney, which Lord Elcho thought might be built on, upon which I so far agree with him, that if any is sold, a small triangular bit near the reservoir would be, perhaps, less loss to the common than the others, because it happens to be a wet spot; but there is no occasion to sell any.

1237. Viscount *Bury.*] Is this the answer of Lord Elcho to which you referred: "The post and rail fence would leave us just as we are; we should have to put up a fence to prevent people coming in, because we cannot hold our meetings without that fence.—*Q.* Then, in point of fact, the post and rail fence would not be of any benefit to the National Rifle Association?—*A.* It would neither be a benefit nor a loss"?—That is what I referred to.

1238. Mr. *Vance.*] Have you seen the estimates that Lord Spencer forms of the value of the land to be sold?—Yes.

1239. Do you think that they are fairly calculated?—I think that the land would sell for more if put up to auction.

1240. How much more?—I may mention that the value of the land in Roehampton Park, before it was covered with buildings, was 500 *l.* an acre, but I believe all the land fronting the common may now be fairly valued at 1,000 *l.* per acre.

1241. What would you estimate roughly as the value of the land coloured brown?—I think if it were put up for auction in building lots, it would sell for 400 *l.* or 500 *l.* an acre.

1242. Mr. Alderman *Rose.*] The other land you say sold for 1,000 *l.*?—The land has never been sold for 1,000 *l.* an acre, I believe, until the value has been increased by building upon it, and then the value of it has risen to 1,000 *l.* in a very short space of time.

1243. Mr. *Shaw Lefevre.*] How much of this corner is not intended to be dedicated, and is left out?—That white part, the end of Putney Common, which is, speaking roughly, about 100 acres.

1244. Mr. *Locke King.*] Do you mean where the word "Putney" is written?—Yes, all that white part.

1245. Mr. *Shaw Lefevre.*] And also Wimbledon Green, which is 52 acres?—Yes, and the remaining portion of the blue.

1246. That is proposed to be a portion of the park?—I do not quite understand that, but I think that is a question which should be set at rest; when I first saw this plan I mentioned to Lord Spencer in the first interview we had that it could not be contended that that was building land, because it is down in a hollow swamp of ground, and could only be valuable to add to the adjoining property of the landowners; and also that no one would build there, because during the Rifle Association meetings the balls passing the butts fall all over that ground; and the general impression in the neighbourhood was that that was only put down as land to be sold in order to sell it to the Duke of Cambridge, who had the adjoining property, and that it was never intended as building land. How it is to be dealt with now I do not know, but the Rifle Association could not go on firing there if any houses were built down in the valley, for even further than that the balls are picked up in the court yards of the houses.

1247. As one of the freeholders, do you claim any rights on the common?—No.

1248. Have you made any inquiries with regard to the rights of the freeholders?—No.

1249. Viscount *Bury.*] You are one of our nearest neighbours, are you not?—Yes.

1250. With regard to the firing, do you find that practically there is a great deal of annoyance from the volunteers?—No.

1251. You do not agree with the Honourable Member

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Member for Inverness, who seems to think that the volunteers are a great nuisance? — I feel very strongly about the volunteers, perhaps some would say I am too favourable to them, but I have been very much mixed up with volunteers.

1252. You, being in this district, do not agree that they are a nuisance?—When we first went there we noticed the firing a great deal, but now, unless we wish to do so, we hardly notice it at all; occasionally we listen to hear whether a ball strikes the target, which we can hear quite distinctly, but we take very little notice indeed. To make sure about it, I asked my neighbours, who only came there to reside last year, and who are not at all personally interested in the volunteers, and they tell me that the firing is not the slightest nuisance; that they do not notice it now, and when visitors come to them who at first remark the firing, they say, unless their attention is called to it they do not notice it. I should wish to add, that, supposing it was a little nuisance to those who lived there, volunteers must have practice ranges, and they could not have in the neighbourhood of London a safer or a better place for practice.

1253. There is one more question I have to ask you upon that point, whether you are not aware, as a resident in the neighbourhood, that danger flags are always lowered if anybody crosses the line of fire, the very moment they present themselves?—I was not aware of that, I thought the rule was to avoid the neighbourhood when the danger flags are up, but I never knew the danger flags lowered when people were passing.

1254. You were not aware that that was the fact?—No, I was not aware of it; I think if anyone who did not see the dangerous position of the ranges came on the ground, that immediately they would cease firing and put up the danger flag until the person was warned off.

1255. Have you ever watched the firing there?—Constantly.

1256. Have you ever seen the danger flag lowered instantly, and the danger flag put up at the firing point, nobody knowing what was to happen, and at last seeing some one cross the range?—I never saw the danger flag lowered; I have seen them put up, and the firing stopped in consequence of some one walking too near.

1257. It is lowered when anyone is passing, is it not?—I have not noticed that.

1258. Now I will go to the drainage; you think superficial drainage only would be necessary?—Yes; except in a few places where a single trench to take off the superficial drainage might be necessary. Inasmuch as a main trench would carry off the superficial drainage, I think a deep trench, with a large amount of superficial drainage, would carry off all the water that is necessary from the surface into the natural watercourses.

1259. Are you a member of the Putney and Roehampton Committee?—I am.

1260. And you are of course conversant with all that has taken place with respect to that?—Certainly.

1261. This is the report of the Roehampton Committee with regard to the scheme which they proposed, is it not?—Yes.

1262. Are you aware that in the alternative scheme proposed, there is no provision on the part of Roehampton for admitting volunteers, or for continuing their tenancy of the common?—I think it was not considered necessary, because no one that has drawn out that scheme, I believe, ever thought for a moment that any wish would be expressed to exclude the volunteers from the common; I have never heard such an idea, but if the question was put, so far as that scheme goes, whether there would be any objection to the present use of the common by the National Rifle Association and by the volunteers, I think the feeling would certainly be that there would be none, and that they would adopt it as part of the scheme, if the fencing and the sale of the land was put an end to; of course it would be very hard if any benefit to the volunteers was to cause an injury to the common as regards the public. We have never hitherto objected to the use of it by the volunteers, but if it were proposed that a fence should be put up, and land sold, to assist the volunteers, it would create a feeling against them which does not now exist.

1263. Are you aware that in the Report of the Putney and Roehampton Committee there are these words, "That besides the butts and rifle ranges which have been used for the National Rifle Meeting, Lord Spencer has permitted several permanent rifle ranges to be established;" and a little further, it says, "If there were not other places within easy distance of London suitable for rifle meetings and ranges we should not advert to this question;" and further, at the end of the paragraph, it says that in considering the interests of the public at large "the privileges conceded to volunteer corps on the common, interfering with its enjoyment by the public, must not be wholly lost sight of." Taking that in connection with the alternative scheme, in which no amendment is made as regards the tenancy of volunteers, do you think that if they obtained the power in their own hands they might warn volunteers off?—I do not think it was ever intended to obtain the power in their own hands, but it would be under Lord Spencer and a committee, and the alternative plan could be carried out by Act of Parliament as easily as his. I did not recollect at the moment the exact words of the clause; my impression was that it referred to the fact that the use of the common by the public is to a certain extent interfered with, but I never for a moment supposed that by that it was desired to put an end to that occupation; but my impression was rather that it was a thing which the public had yielded to and did not object to.

1264. Then, am I to understand you, as speaking for the Roehampton and Putney Committee, that they will be willing to continue the enjoyment to the volunteers of such privileges as they now enjoy on the common?—The question has never been put to the committee, therefore I should not like to answer for them; but, as one member of the committee, I can say that I should be very sorry to see the use of the common by the Rifle Association put a stop to. I think, with the exception of the fortnight when the National Rifle Association use the common, the volunteer use of the common is confined to a portion of the common on which alone it could be carried on safely. It is true that that happens to be a nice valley, where there was a walk or a ride before, which is now abandoned: but I have never heard in the neighbourhood an objection or a wish that these volunteer bodies should be removed; of course it deprives the public of a certain portion of the common, but that is a necessary consequence

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of volunteer corps having been established for the protection of the country.

1265. With regard to Lord Spencer's scheme, are you aware that he proposes that he himself, and one person appointed by the Commissioners of the Woods and Forests, and one by the Crown, should be the three trustees?—Yes.

1266. And the alternative scheme proposes that there should be added to them three gentlemen from the neighbourhood?—I think the matter of the trustees might be considered an open question; if Lord Spencer would at once give up any kind of fence and any sale of land, then, I think, everything else that he could wish, in the nomination of the trustees, the arrangement of the funds, and the regulation of the common, could be arranged without any opposition in the neighbourhood, and they would be happy to meet him halfway in anything.

1267. They would be willing to adopt the three trustees that he has mentioned if he would give up the fence and the sale of the land?—I cannot speak, of course, for the committee, that subject has never been touched on before; but on one occasion it was said that, as regards another common, a body of trustees had been formed from the neighbourhood, and it was suggested as a good plan to be adopted here. I have heard remarks that these proposals for the trusteeships, these *ex-officio* members, would not be a very desirable plan; but I think upon that point the neighbourhood would meet Lord Spencer, and there would be no fear of a split.

1268. You will observe that you ask, on the part of the committee, that Lord Spencer should give up some powers which he takes to himself, and it is only fair that he should know positively whether the committee would meet his views in acceding to other parts?—I can only speak from my own feeling, and what the general expression of opinion has been among those whom I have spoken to, which is, that if he gave up the sale of the land and the fence, they would be very happy to meet him in other respects.

1269. What is the value of the common, in your opinion, for grazing purposes now?—The pasturage on the part which he proposes to sell is very much better and more useful than what is proposed to be inclosed. The part which is proposed to be inclosed is the flat part which has been drained by the volunteers, and which is, in a great measure, covered with heather, and the other part is wet and not good pasture.

1270. The other part that is to be inclosed?—Yes.

1271. The question I asked was, what do you believe to be the part that is to be inclosed, the part coloured pink for grazing purposes?—When the drainage is improved, I suppose, it will be double the value it is now, but what the exact value is I cannot say; 700 acres of land there ought to be worth, for grazing purposes, certainly from 30*s.* to 2 *l.* an acre, if it is all turned into pasture.

1272. Would the fence not improve the value of it as grazing land?—I do not think it would, unless the gorse and heather were destroyed, because it could be grazed over as it is now; I have frequently, near my house, a large herd of milch cows; and this morning when I left my house there was a flock of sheep, and I do not see why they should not then graze over the common in the same way.

1273. I ask you whether a fence would improve the value of the grazing?—It would enable the cattle to be kept there at less cost, but as Lord Spencer proposes to give up that, he would not benefit by it, and the public would not benefit by it.

1274. Are you not aware that the profits of the grazing are to go towards paying the expenses of the park?—Yes, to maintain, and keep in order the park, but one-fifth part of the sum which the grazing of the common would be worth, would be alone necessary, and if that was raised he would have to give up nothing, but would retain his present rights of grazing improved as they would be by the outlay of 2,000 *l.* or 3,000 *l.*, or whatever was necessary to drain it. Therefore, I do not see that he will be a gainer or the public either.

1275. With regard to the rate. The alternative scheme of your committee proposes that a rate should be levied in the neighbourhood?—Yes.

1276. Do you think it would be possible to raise such a rate?—I do, from the experience we had at that meeting where there was only one dissenting voice raised against it, and that one could not get a seconder.

1277. Was not that a person whom you thought was going to second the rate?—No, not at all; one other person ventured to oppose it, and it was found that he was not a ratepayer; and he was one of the persons who insisted upon going through the volunteers' fence last year without paying.

1278. Do you think it would be possible to obtain a rate if Lord Spencer did not guarantee possession of the whole common to the public?—No, I think if he does not give up the sale of any part of the common, or the fencing of any part, that the neighbourhood would not give a farthing; and then, I think, the money that would be spent in draining the common will be spent before the Committee in trying to oppose the Bill.

1279. Do you think that supposing Lord Spencer possesses the rights which he thinks he possesses, that if he dedicates half his rights, or the greater portion of his rights to the public, they would not be accepted by them unless he gave all?—By his proposal, if I understand it right, he gives up all his rights except to those two white bits in the corner, Wimbledon Green, and the end of Putney Heath; he gives up for ever the pink part, and he sells the rest; and as he gives up part of his grazing he really is giving up more than he would be asked to give up by the other scheme.

1280. Is not that a matter for him to judge, as to what he gives up?—He also proposes to sell land to pay the commoners who would be benefitted by the drainage of the land, and under our scheme would retain all their present rights, slightly improved.

1281. The question I asked was, do you think that the rate could be raised if Lord Spencer did not guarantee possession of the whole of the common to the public?—No, I think he would have to adopt the alternative scheme which is, no sale of land, no fence, take the sum of money which has been subscribed for the drainage, and to improve the common, and a sum of money, through a rate for the annual maintenance and support of the common, and then I think the neighbourhood would unanimously support him in carrying such a Bill through Parliament; but it is a question whether that could be done now by altering this Bill, and whether another Bill would not have to be brought forward another year.

1282. With

1282. With regard to the tramps, I think you drew a distinction between tramps and gipsies?—No, I did not intend to draw a distinction between tramps, travelling with caravans, and people travelling as gipsies do on the common; I alluded particularly to a set of women who used to live on the common in the summer, and sleep under the furze bushes, and who were a perfect nuisance and disgrace to the neighbourhood.

1283. Those you consider have been got rid of?—I did not see them last year. The gipsies themselves took such a feeling against these women, that they almost frightened them away; some of the gipsy women on one occasion were very nearly putting one of them into a pond, and I think they got rather afraid.

1284. Then you have no personal knowledge of the extent of the tramps and gipsies now?—Yes, I see them every week of my life; the front of my house is a favourite spot, where they encamp, and, on most Sundays, I go and visit them.

1285. I think you said you had not seen them last year?—That was these women.

1286. Then you draw a distinction between these women, who you call tramps, and the gipsies?—Certainly.

1287. Then you do not object to the gipsies?—They are not to me any serious evil; there is a thing which I do object to in them, which is, that they allow their half-naked children to run over the roads and beg, which I always stop; and I think, if they were allowed for a short time to pitch on the common, there should be a restraint in that respect.

1288. Mr. *Locke King.*] In answer to Lord Bury just now, I think you said that you considered the value of the common, when drained and converted into pasturage, would be something like 1,000 *l.* or 1,500 *l.* a-year?—Yes, I should think that that would be a low estimate of it, if the 700 acres is to be turned into pasture.

1289. Surely the public do not want to have the gorse destroyed?—I am alluding to its being grazed just as it is now by sheep and cattle that go among the gorse. The part that Lord Spencer proposes to inclose is the flat, useless, and uninteresting part of the common to the public, because there is no gorse, or very little, on it, except the part where the volunteers' shooting butts are. The most beautiful part of the common is that which he proposes to sell.

1290. You wish the gorse left as it is now?—Certainly; if the gorse and heather is destroyed, great part of the value of the common will be destroyed; the pink part is almost exclusively used for riding.

1291. With regard to the question of the rate, you would not object to rating powers being included in this Bill?—No; not exceeding 1 *d.* in the pound upon houses above 30 *l.* per annum.

1292. Sir *J. Shelley.*] I understand you to say that the question of a voluntary rate depends on Lord Spencer entirely giving up all thought of selling any portion of the land?—Yes; or inclosing it.

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1293. Of course, if he sells a portion of the land, it will be for the purposes of this improvement, and therefore there would be no question as to a rate being necessary?—Of course not.

1294. Therefore all that you have said about the rate comes to this: provided the alternative of selling the land, whereby the rate would be unnecessary, is given up, then you think there would be no objection on the part of the inhabitants that a compulsory rate should be enforced?—I think as far as Putney and Roehampton are concerned, of which alone I can speak, there would be no objection to that moderate rate.

1295. With regard to these trustees, supposing any arrangement were made with respect to this Bill, are you aware that the Metropolitan Board of Works have power under their Act by which open spaces are placed under them?—I believe so.

1296. Do you not consider, looking at the Metropolitan Board of Works as the representative Board of all parts of the metropolis which are interested in keeping up these open spaces, that in that Board will be found an existing body under whom those open spaces could be placed?—No; I would much rather see it retained in the hands of Lord Spencer and a local Board of trustees, if that could be done. I do not see why it should be placed under the Metropolitan Board of Works, unless they are prepared to find the money for draining it and so on.

1297. Although by law open spaces in the metropolitan district are placed under them, still you think it better that the particular place should be separated from that rule, and that there should be some other constituted authority than the Metropolitan Board of Works?—Yes; I think it would be better that the parties in the neighbourhood, being interested both in the soil and in the enjoyment of the common, should have the management.

1298. Mr. Alderman *Rose.*] I think I understood you to say that from your past experience your sympathies are in favour of the volunteers?—Most decidedly.

1299. Your objection is directed to the inclosure and to any buildings that might be set upon it?—That has been the objection in the neighbourhood, but I think Lord Elcho's evidence has cleared that up. I think if the close fence first intended had been put up, the impression in the neighbourhood would have been that the whole thing was a scheme to save the National Rifle Association the expense of their fence, and to give them power to charge for the entrance, which is a very important point. That was my impression at first, and I think it must have had a great deal to do with the origin of the scheme. I should be very sorry to see anything interfere with the National Rifle Association on the common, because if that association goes down the whole national volunteer movement will go down.

JOSEPH BURRELL, Esq., called in; and Examined.

1300. *Chairman.*] WHAT are you by profession?—I am a Barrister-at-law.

1301. Of what standing?—About 29 years.

1302. To what branch of the profession have you confined your attention?—Chiefly to real property.

1303. Where do you live?—On the Kingston-road, near Wimbledon.

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1304. You are within the manor of Wimbledon?—I am within the manor.

1305. Have you read Mr. Forster's evidence?—Yes;

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Yes; I read his evidence given on Thursday, and I heard his evidence given on Monday.

1306. Do you agree with that evidence?—In many points I do not.

1307. Will you be good enough to point out in what respects you differ from him?—I think that his view is chiefly confined to copyholders of the manor; he seems to give the go-by to freehold tenants altogether. There must be freehold tenants of a manor. There are several kinds of common, common appendant, common appurtenant, and common by custom; common by custom is the only one to which copyholders are entitled; common appendant is when before the statute of *quia emptores* the lord granted freehold land to hold of his manor; common of pasturage was appendant to it as a matter of course, without any words. I think that the right cannot be lost by non-user.

1308. Where there is a building?—No, simply where there is land; common appurtenant is when the lord, after the statute *quia emptores*, granted land, and the owner of that land has turned cattle from time to time on the common; then the law presumes a grant that must be prescribed for. Common by custom is the common claimed by copyholders. Mr. Forster seems to think that this common cannot be apportioned. He says that common is attached to 15 acres, and that if the tenant sell any part of it the common is gone, Lord Coke says that common can be apportioned. and he uses very forcible words with reference to it. He says, "if a tenant sells part of his land the common will be apportioned rateably, and "God forbid!" he says, "that it should not be so, for otherwise commons would be extinguished and annihilated."

1309. Do you recollect the name of that case?—Tyrringham's case in 4th Lord Coke's Reports. In Lysson's "Environs of London," it is stated that when a freehold tenant of the manor of Wimbledom dies, his horse, his armour, and spurs, &c., go to the lord, which shows that there were freehold tenants of Wimbledon; and in a book of great authority—"Watkins on Copyholds," I find it stated with reference to Wimbledon in Surrey, that "The court rolls of this manor begin 1 Henry VI., 1422." "At a court baron held 1st January, 6 Edward VI., an order was made that they should be kept in a chest in the parish church, with three locks, one of the keys of which was to be kept by the steward, another by the reeve of the manor, and a third by the lord." One of those customs is, "The lord hath liberty to grant, with consent of the free and customary tenants, parcels of the waste for years or otherwise. But he could not grant them that without the consent of all the tenants, freeholders as well as copyholders.

1310. Is there any other point in which you differ from Mr. Forster?—I do not recollect.

1311. You say that Mr. Forster's evidence applies only to copyholders who have a right of common by custom?—Yes.

1312. You say that the rolls of the manor are no evidence against the rights of freehold tenants?—Yes.

1313. What authority have you for that?—They are only a record between the lord and the copyhold tenants, and cannot bind the freehold tenants.

1314. Every freehold tenant has a right of common appendant to his land?—As a matter of course.

1315. How are the freeholds in Wimbledon held?—They are held of the manor.

1316. How were they granted?—They must have been granted before the statute *quia emptores*.

1317. Mr. *Peacocke*.] What was the statute of *quia emptores*?—Eighteen of Edward I.

1318. *Chairman*.] What rights have the commoners upon Wimbledon Common?—I believe they have been very little used for many years; but there are persons alive who can state the rights of common; almost all parishes had the right of turning on.

1319. Are you speaking of freeholders?—Entirely. From inquiries I have made, I find that Sir William Rush's property (now Mr. Peach's), Mr. Lushington's (now Mr. Peek's), Mr. Merrick's, and Mr. Hopkin's, now split up into various properties, had rights of common, and that all of them did turn upon Wimbledon Common. There were a great number of pollards at one time on the common, and the commoners used to cut the shoots from Michaelmas to Lady-day every year, until a former Lord Spencer some years ago cleared the common of them. I believe there is a right of cutting gorse, and also of digging gravel and sand, by the parishes. Many people have cut gorse, and when I first went to Wimbledon, I was informed by my farming man that all had the right of cutting gorse.

1320. From inquiries which you have made with reference to rights of the commoners, do you believe that a sum of 5,000 *l.* would be sufficient to compensate them?—I think not. When you ventilate the subject, you will find more rights than anyone imagines; when once you have ascertained the rights, you will find you will have to pay a very large amount of compensation.

1321. Do you think those rights capable of proof?—The parties will try what they can do. There are parties living who can prove their rights.

1322. Are those rights inconsistent with the public enjoyment of the common?—Not at all.

1323. Do the commoners object to these rights being extinguished?—Very much so; several of them have petitioned against the Bill.

1324. Do you understand the inhabitants as a body object to the inclosure?—The inhabitants of Wimbledon do. I have attended meetings, in which those present were quite unanimous against the scheme.

1325. Do you think that the inclosure will be found inconvenient?—I think that it will be very inconvenient to the public, and to the inhabitants generally; they would much prefer the common being left as it is.

1326. If there were no inclosure, would there be any necessity for any sale of land?—No, there would not, because there would be no great expense; I think that if any money were wanted the inhabitants would find it.

1327. Do you think they would meet the necessary expenses for drainage and so forth?—Yes, they would find that, I think. If the common were kept as it is now, there would be no necessity for such expensive drainage as might be required for converting it into pasture land.

1328. You recollect Mr. Forster's evidence with reference to the rights of the lord according to the Statute of Merton?—Yes.

1329. Do you agree with him upon that point?—I do not; I think that the statute enables the lord

lord to approve or enclose against rights of pasturage; but if there are other rights, he cannot approve against them.

1330. Could he approve against a right of turbary?—No.

1331. Estover?—No.

1332. Or of digging gravel and sand?—No, he can only approve against the rights of pasturage; the Statute of Merton only mentions that.

1333. Could the lord acquire any greater title than he has without an Act of Parliament?—Certainly not.

1334. What would be the consequence supposing the lord were to enclose?—The commoners would break the fences, and then he would have to bring an action, and there would be endless litigation.

1335. Must he not bring an action in every instance?—In every instance; and if the case went against him it would be fatal to him, but if it went against the commoner it would not be fatal to the commoners; there would be a fresh action in every case.

1336. The decision in one case would not be binding in another?—It would not; it would be a question of fact for the jury, and not a question of law.

1337. In which the right of each particular man would be discussed?—Yes, and the affirmative would rest with the lord to prove that he had left sufficient pasturage in each case.

1338. The *onus probandi* would be on him?—Yes.

1339. Do you consider that the inclosure would be a boon to the lord of the manor?—Yes.

1340. An inclosure by Act of Parliament?—No doubt of it.

1341. Do you consider that the refusal by Parliament of an Act of that sort is any hardship whatever upon the lord of the manor?—It cannot be if it is a boon.

1342. He has certain rights, and the commoners have certain rights?—Yes, and Parliament may say, "You come here for a boon, and we refuse it."

1343. Have you considered the question of the rights of commons of the public at large?—I have not particularly considered them.

1344. Do you consider that there is such a thing as a right of roaming over the common?—I think not, for the public at large.

1345. Although it may have been done time out of mind?—I think not; I do not see how they could have a custom, they could only allege it. Such an allegation for the public at large would be too wide and indefinite.

1346. I believe that that is the generally received opinion?—It is.

1347. Would it be too large if granted to the public of these different manors?—That would be a question.

1348. You think there might be such a grant?—Yes; I think that it is quite clear that the inhabitants of a ville may have a right to dance, or play, or do any thing of that sort on the green or on part of the common.

1349. Must it be a right to do some specific thing?—No, I think not; I do not know that that question has ever been mooted; I think that a custom to play cricket would be a good one.

1350. Or walk about?—I doubt that.

1351. You think they must play at some game?—I do not know any case that has gone beyond the custom of playing at cricket, or foot ball, or rounders, or some game.

1352. Mr. *Shaw Lefevre.*] Is not that on the ground, that the public have a right to recreation?—The inhabitants of the different towns adjoining, but not the public at large.

1353. Is there any case limiting it to the ville?—I think not.

1354. Would not a custom for the whole of the people of such a large place as London be a good custom?—I doubt it.

1355. Have not customs in favour of the people of a county been held good?—I am not aware of any decision going so far as that.

1356. Is there any decision against that?—I believe not.

1357. *Chairman.*] You have been speaking of customs as distinguished from common rights?—Yes.

1358. Which are profit *à prendre*?—Yes.

1359. What is the distinction between common of waste lands and common of field lands?—In wastes the soil is in the lord, certain individuals having rights over it. In common fields, the soil is in the different owners. An Act of Parliament for the inclosure of common field lands is nothing but an Act for exchange and partition.

1360. In whose hands do you consider the management of these commons ought to be placed?—I think the management should be local, the lord of the manor as the head, and three or four persons in the neighbourhood acting with him. I think they would have more interest than anyone else to look after the common.

1361. Mr. *Locke King.*] Would you have a certain number of managers elected?—Yes.

1362. Every three or five years?—Or every two or three years.

1363. You have heard Mr. Forster's evidence. By that evidence he claimed for Lord Spencer all the part coloured pink, blue, green, brown and white?—Yes.

1364. That would be the whole common?—Yes.

1365. What, in your opinion, would be Lord Spencer's rights as to the quantity of land. I have not any information upon that point. I believe there are 700 acres in the part coloured pink, and about 300 acres besides. The part not coloured might possibly be another 100 acres.

1366. Sir *John Shelley.*] With regard to the question of trustees over this land, you say that you think it would be necessary to have the management under the local authority. Does it not strike you that, from the fact of there being none but local authority over the common, the general public might be excluded thereby, as regards their interests, and that the whole would be sacrificed to the immediate neighbourhood?—I think not.

1367. You think that the public at large would be safe in its being vested in the neighbourhood, because the neighbourhood would be strongly in favour of keeping it as it is, open, and not inclosed?—Yes.

1368. And on that account you consider the public at large would not run any risk of their rights being affected?—Yes.

1369. Mr. *J. Tollemache.*] I suppose it would be quite possible to have a local Board, and for that Board not to have the power of enclosing the common?—Yes, it might be directed to keep it open.

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1370. That, of course, would secure the common to the public?—Yes.

1371. I understood you to say, that those who made use of this common ought to be engaged in some game or other; but I suppose any one can walk over the common without making use of it in that way?—No doubt.

1372. Any person may walk over the common, and provided that person does no mischief, or is not a vagrant, I suppose he could not be turned off?—I do not think he could be turned off; but I take it that if a person having no right of common went on it, he would commit a trespass.

1373. Supposing a man did no mischief, in what way could he be dealt with; could he be prosecuted as a trespasser?—An action might be brought against him.

1374. Do you think that any action of that kind would be found effectual in keeping people from the common?—No.

1375. Then, in point of fact, the law of trespass could not be applied so as to prevent any one walking about the common, if he thought proper?—No, I think not.

1376. Are there many freeholders?—Not a great many.

1377. I understood you to say that you believed that the lord could not sell land without the consent of the freeholders?—Not without the consent of the freehold tenants.

1378. Has any land been sold without the consent of the freeholders?—I should say some very small pieces. I think the lord was remonstrated with on those occasions.

1379. The Duke of Cambridge has some there, has he not?—Yes.

1380. Was not that a part of Wimbledon Common?—I do think so.

1381. So that you think no property has been sold?—I think that was a part of the common which has been enclosed, which the Duke has now; but I think that some of the inhabitants of Wimbledon remonstrated against it, and it was then stated by Lord Spencer that it was not intended to go any further, and that it was merely an accommodation to the Duke.

1382. At all events, it was sold without their consent?—Yes.

1383. Has the Crown any rights over Wimbledon Common?—I have heard that it has.

1384. You have heard Admiral Sulivan's evidence?—Yes.

1385. Do you agree with him as to the feeling of the neighbourhood against the inclosure?—Perfectly.

1386. Do you think that the residents would consent to a clause being inserted in the Bill, giving powers for levying a compulsory rate for the management of the common?—Yes; I think they would.

1387. Do you think a clause to that effect could be inserted in the Bill with the present notices?—I think that Parliament would not submit to that, but the power of selling under the Act might be suspended for one year, so as to give time for an application to Parliament next year.

1388. Mr. *Peacocke.*] Do you know a copyholder who has common rights?—I do not. I have not seen the court rolls.

1389. Do you know whether any common right has been exercised of late years by any commoners?—I think there are people who turn beasts upon the common.

1390. You do not know whether they are freeholders or commoners?—No, I do not. There are cattle upon the common.

1391. Is the furze cut down?—No; the trees are cut down.

1392. Are there any commoners of the manor who exercise the right of cutting furze, so far as you know?—I can answer that. When I went to Wimbledon, we used to cut it as a matter of course. We used to put it at the bottom of our hay ricks, but finding that it did not answer, I gave it up. I paid a man for cutting furze for me.

1393. And you did that without let or hindrance?—Without let or hindrance. I believe everyone did it.

1394. For how many years?—For four or five years together I did it.

1395. How could these freehold rights of common be transferred?—By purchasing the land to which they were attached.

1396. We have heard from Mr. Forster that two inclosures have been made within the last two or three years on Wimbledon Common?—They must have been very small. I do not recollect any since I have been there. There was one bit by the Duke of Cambridge.

1397. And there was another, was there not?—I am not aware of any other.

1398. Have any steps been taken by the commoners to abate this?—None whatever.

1399. Do you know of there having been any elm trees on Wimbledon Common?—I do not.

1400. You do not know, then, of their having been cut down?—Yes; there were some cut down this spring.

1401. By the lord or by the commoners?—I cannot say.

1402. You spoke of the right of digging gravel from the common; are you speaking of that right which all parishes have, or are there any commoners possessing that right?—I never heard of any one except Mr. Peek who has the right of digging gravel.

1403. Does he exercise the right?—He does.

1404. Otherwise the rights are those which attach to all parishes?—Yes, I think there are no other rights except those of Mr. Peek and the parishes.

1405. Have the commoners exercised the right of turbary?—I think not.

1406. There is turf on the common?—There is.

1407. Mr. *Shaw Lefevre.*] Have you searched the rolls of this manor?—No; I am not a copyholder.

1408. Therefore you have no right to look at that?—No.

1409. Do you know how many copyholders there are?—I think you will find, according to Mr. Gore's letter, that the lord served about 280.

1410. Still unenfranchised?—Still unenfranchised.

1411. Mr. Forster has told us, that in searching the rolls, he finds that only those copyholders were entitled to common who had 15 acres of uninclosed land within the manor, and also the holders of cottages existing at the time of Richard I. Do you think that it would be held that only those who could prove that a cottage existed in the time of Richard I. would now be entitled to common?—No, I should think it would be attached to the site of the cottage, and if the cottage is destroyed the right of common would attach to the place.

1412. Do you think that the fact of any copyholders

holders not having exercised their right of late years would amount to an abandonment?—I think not.

1413. At all events, a serious question would probably arise between the lord and the commoners, which would result in considerable litigation and very materially interfering with the value of the property?—Yes.

1414. With regard to the custom alleged of the lord enclosing with the consent of the homage. Do you think that the lord would have a right to enclose the whole common in that way?—It would be a bad custom.

1415. What, in your opinion, is the meaning of the consent of the homage?—The steward summonses a court, and the copyholders present may be sworn on the homage, who must consent to the different inclosures.

1416. Mr. Forster says that it has been the habit of the steward to nominate eight of the copyholders. Do you consider a custom of that kind a good one?—I should think it would be illegal for the purposes of inclosure.

1417. For other purposes, as for presentments, and so forth, it might be good?—It might be; but when the lords' rights are brought into question, his own creatures should not authorise the inclosures.

1418. Do you know if there is any practice in copyhold courts of striking a jury?—No, I do not know that there is, that is within the knowledge of steward of the manor.

1419. If a custom prevailed to nominate eight men on the part of the steward, do you think that custom unreasonable?—Every copyholder is bound to attend his lord's court, and out of those some were sworn as the homage. I do not think that the steward has a right to nominate them. The whole body of the copyholders are the suitors of the court. It is an imitation of the court baron.

1420. In a court baron, the freeholders, then, were judges?—Yes.

1421. Whereas in this court the steward is the judge?—Yes; in a court baron the steward is the registrar. In a custom-court baron he is the judge.

1422. Have you formed any idea of the number of copyholders entitled to common?—A few years ago there were very few freeholders, but now a great deal of building is going on, and they are getting split up very much.

1423. Looking at the fact that Wandsworth Common and others have been greatly encroached upon by improvements under the statute of Merton, or by the consent of the homage, do you think it safe on the part of the public to leave Wimbledon Common in the hands of the lord of the manor, as it now is?—I think not.

1424. Do you think it desirable on the part of the public themselves, that they should accept the Bill as now prepared?—Not as it is now printed.

1425. As it is proposed to be amended by Lord Spencer?—I have not seen the modifications, and therefore I cannot speak of them.

1426. With the suggestion that part of the land is to be sold to fence the remainder, do you think it desirable on the part of the public to accept the scheme rather than leave the common in the hands of the lord of the manor, subject to the chances of its being inclosed hereafter?—I should think it better to leave it in the hands of the lord of the manor, as it now is.

1427. You think that the difficulties of dealing with it are such that the public are perfectly secure?—I think they are.

1428. Do you say so as a lawyer and as a resident in Wimbledon?—As a resident.

1429. And, as so far interested in it yourself, that you would not object to leave it in the hands of the lord of the manor?—I am the last man, perhaps, whom the common affects, because I live quite away from it.

1430. But taking it generally, and as one of the public, do you think it would be safe to leave it in the hands of the lord of the manor, subject to the power of Lord Spencer, or his successors, or the trustees, of inclosing it?—I think that it would be advisable to get it dedicated to the public. I think it would be very generous on Lord Spencer's part to dedicate it to the public.

1431–2. Would it not be desirable on the part of the public that some compromise should be made between Lord Spencer and the public, rather than that the common should be left as it now is?—That would depend upon the nature of the compromise. I am disposed myself to object to any part being sold, because it would be better for the public to have 1,000 acres of land than 700 acres.

1433. Have you considered the probability of enfranchisements of the copyholders?—Not on Wimbledon Manor, but generally I have.

1434. I mean the possibility of the enfranchisement of copyholders, at the same time doing away with common rights, because when the copyhold is enfranchised, unless there is special grant of common, it is gone?—I think the right of common may be gone of law, but it subsists in equity.

1435. *Chairman.*] You mean that in a court of equity that right might be enforced?—Yes, upon a bill filed, the Court would compel the lord to restore the right of common.

1436. Mr. *Shaw Lefevre.*] Has that case ever occurred?—Years ago.

1437. Are you aware whether it has been the practice to grant the right of common or not?—I think that the Crown property was copyhold, and when the Crown enfranchised there was a re-grant, but I cannot speak of that of my own knowledge.

1438. In any other case has there ever been a re-grant?—One or two other cases have been mentioned to me.

1439. Supposing that the lord of the manor in such a case, Wimbledon, were gradually to buy up the rights of common of the copyholders, do you believe that he could inclose portions under the Act in respect of these rights?—I think not.

1440. You think that it would be necessary even then to show that sufficient was left for all the copyholders and freeholders?—Yes.

1441. Looking at the size of the manor, do you think that the right of common is sufficient at present for all the freeholders and copyholders?—I should think so.

1442. Do you think that it is more than sufficient?—That would depend upon the rights to be ascertained.

1443. Do you think that the inhabitants of Wimbledon can be said to have any right by custom of recreation?—I think they have upon the green, and they may have upon the common. Whenever I have been there, I have seen people playing on the green.

1444. Do you not think that these rights might

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might be substantiated in a court of law?—I think they probably might.

1445. With regard to the extension of such a custom to the public of London generally, is there any case at law which says that such a custom must be confined to the inhabitants of a particular parish or manor?—No, I think not. I think there is a case in which it has been decided that a custom for the inhabitants of a ville or town would be good.

1446. Does a ville mean a village or large town?—The neighbouring village.

1447. I dare say you are aware of that case in which the inhabitants of Carlisle were considered entitled by the custom of racing?—Yes. If I recollect right, there it was a custom for the Corporation to race. That was a very narrow one.

1448. Do you not believe that by analogy the inhabitants of London might be considered as having acquired rights of recreation over such a large space as Wimbledon Common?—They may.

1449. Would there not be a difficulty in the fact that such customs do not come within the Prescription Act?—That is a difficulty.

1450. Is it necessary to prove that the custom has existed since the time of Richard the First?—No; if you go back a great many years the law will carry you back to that time.

1451. But the other side might prove that the custom did not exist at some prior time?—Just so.

1452. Viscount *Bury.*] You have talked about a compromise, and you say that it would be more desirable for the public to have 1,000 acres than 700 acres?—Yes.

1453. The compromise you suggest is, that Lord Spencer should give up his rights over the whole of the common, instead of over a part of it only?—He might dedicate the 700 acres, and undertake that the rest should not be built upon.

1454. I think you say that the public would be perfectly safe in leaving the matter in the hands of the lord, because he would not make any use of the common?—I think practically he could not.

1455. Then, if he dedicated the 700 acres to the public, where would be the harm of leaving the other in his hands?—You would not then compensate the copyholders' rights. If you compensated the commoners' rights over the 700 acres you ascertain who they are, and then you might go and buy up the common rights and deal with the land. It is the uncertainty as to who are the commoners which keeps it safe.

1456. As I understand, the only compromise that you would accept would be the surrender of all Lord Spencer's rights?—He might dedicate the common, as it now is, to the public, and he might retain the power of digging the gravel, which, I believe, is the only valuable right he has.

1457. I think you say that some one at the present moment exercises the right of digging gravel?—Yes.

1458. Who is it?—Mr. Peek.

1459. By what right?—I do not know.

1460. Are you not aware he digs gravel by the leave of Lord Spencer?—He told me he had a right to dig so much gravel every year without the lord's consent.

1461. How many copyholders have petitioned against the Bill?—I am not aware.

1462. I understand there are only six?—I do not know; I have not seen the petitions.

1463. You have also stated that, in order to exercise common rights, it is not necessary to have 15 acres?—I do not think that it is necessary. It may have been in the original inception of the custom; but I do not think it is necessary that you should continue holding 15 acres.

1464. On what do you found that opinion?—On common law.

1465. Do you know that there is a special custom existing in this particular case, Wimbledon Common, by which it is necessary to hold 15 acres altogether?—I think that such a custom would be bad.

1466. Are you aware that it has been very frequently exercised?—No; I am not aware of that.

1467. Have you examined the court rolls?—I am not a copyholder, and therefore I cannot look at them.

1468. You have given your opinion without examining them?—I say that a custom must be reasonable; and if I sell a portion of my land, and I cannot sell the rights attached to that land, that is an unreasonable custom.

1469. Are you not aware that, over and over again, people so situated have submitted to have their rights negatived, in consequence of their not possessing 15 clear acres of land?—No; I am not at all aware of that.

1470. Because you have not read the court rolls?—I could not see them.

1471. Therefore, you could not speak of the special custom of Wimbledon?—Not with respect to the custom relating to copyhold.

1472. *Chairman.*] But certain customs are unreasonable?—And therefore bad.

1473. Would that custom with reference to 15 acres be bad?—With 15 acres you have a right to common, and if you sell seven of those acres, some right of common must go with them.

1474. Is that your opinion as a lawyer?—Yes.

1475. Mr. *Shaw Lefevre.*] Assuming it to be proved from the rolls of the manor, that the right of the common has been restricted to persons possessing 15 acres, would such a custom, in your opinion, be a good one?—It would be good in its inception, that is, that no common right originally attached unless a man had 15 acres; but having that right of common, I do not see why you should lose it if you part with five or six of them.

1476. Would not the fact of such a right having been negatived be evidence of abandonment, from which it would be contended that such rights of common had ceased to exist?—It would only relate to that individual.

1477. Mr. *Kinnaird.*] Do you not think that the public, after many years' enjoyment, do acquire certain rights over common land?—Yes, the inhabitants of the villages.

1478. Have you known these rights in any case to have been acted upon, and inclosures prevented?—I have not known inclosures prevented by it, but I have known customs of recreation established upon certain commons.

1479. Do you think that it might be so on this common?—I think that it may be so with regard to Wimbledon Green.

1480. Sir *John Shelley.*] You gave your opinion upon these rights as a lawyer, and without having

having seen the court rolls of the Wimbledon Manor?—Yes.

1481. Then, of course, if there are any special and particular rights under the court rolls you cannot speak of them, and the lord would have to produce them?—That would be so; but customs must be always reasonable.

1482. But you say that a certain custom would be unreasonable?—The custom of not partitioning the right of common.

1483. The question is, whether, unless a man retains the whole 15 acres, he loses all his rights over the whole of them?—Yes, I believe that is a bad custom in law.

1484. Mr. *Peacocke.*] Allow me to ask you one question; have you any reasonable doubt of the power of the commoners of this manor to prove their rights?—I have made many inquiries about that, and from the evidence I have heard I think there would be no doubt.

1485. But for the purpose of proving these rights they would be involved in an expensive law suit?—Yes.

1486. Your only reason then for preferring a compromise, is to avoid the expense of a law-suit?—But I did not say that I should prefer a compromise; I said it would depend upon the terms of the compromise whether I agreed to it or not; I think it would be a very good thing to get the common dedicated to the public.

1487. But the public enjoys it?—Those are questions between the lord and the public, and the lord might buy up the rights of every commoner.

1488. But you might take care that he did not?—One could not live for ever.

1489. A compromise would please the public if they are placed in no better position than they are in now?—Yes, I think it would, because it would be dedicating the common to the public for ever.

1490. Assuming that the owners preserved their rights, which they could by not selling them, the public would not be placed in a better position than they are now?—Assuming that the owners never agreed.

1491. Mr. *Shaw Lefevre.*] If the public have acquired no rights they are liable to be treated as trespassers?—No doubt of it.

1492. Supposing the owners are compensated, would they be entitled to compensation only in respect of the pasturage or of the increased value of the land for building purposes?—I should think they would be entitled only in right to the pasturage; that is a question for a valuer.

1493. *Chairman*] Would they not be entitled to compensation for all their rights?—Yes.

1494. Of digging gravel, and so forth?—Yes, every right.

1495. Mr. *Locke King.*] But the public would be in a better position than they are in now if the Bill passed in the amended form?—I have not seen the amendments, and therefore I cannot speak of them.

1496. Sir *John Shelley.*] As I understand, you would approve of a Bill whereby the public would be benefitted rather than letting things remain as they are?—Yes, a compromise would be very desirable, provided that the terms could be agreed upon; it would avoid all questions for the future.

Mr. William Elliott Oliver, called in; and Examined.

1497. *Chairman.*] You reside at Wimbledon?—Yes, I have resided there for 25 years.

1498. In what part of Wimbledon have you resided?—On the south side of what is commonly called Wimbledon Green.

1499. In the middle of Wimbledon?—About the middle of the south side, nearly where the cricket-ground is.

1500. Have you ever used the common at all?—Yes; I have turned out whenever I thought proper.

1501. What have you turned out?—Cows.

1502. Sheep?—No, I do not keep sheep.

1503. How many cows have you turned out there?—I only keep three cows for my own purposes.

1504. You have turned out all three together?—Yes, but not lately.

1505. Have any objections been made to that?—No.

1506. Have you done that during the 25 years you have resided there?—I have turned out in respect of a freehold that I have there, and subsequently I acquired some copyhold property, but I cannot say I have turned out very lately.

1507. In the first instance you had some freehold property there, and you turned out the cows in respect of that?—Yes.

1508. For what number of years have you done that?—The common is of little value, because the grass is so bad.

1509. For how long have you done it?—Perhaps a month or two in the summer, when it was dry.

1510. For how many years have you been in the habit of doing that?—Just as I wished I turned out for the last 15 years and upwards.

1511. How long have you had your copyhold property?—Ten years.

1512. And during that time you have turned out cows?—I cannot say that I have turned out expressly on account of the copyhold property; I have turned out generally, as I wanted.

1513. You have still retained the freehold?—Yes.

1514. You have both?—Yes.

1515. Previously to your possessing the copyhold property, you have turned out cows in virtue of your freehold?—Yes.

1516. For 15 years?—Yes.

1517. What is your knowledge with respect to other inhabitants, as regards the common?—The inhabitants of Wimbledon constantly turn out cows; one man turns out horses, others turn out a great many sheep; generally speaking, the people who turn out are those who have small holdings in the village.

1518. Have those who have small holdings in the village, to your knowledge, turned out their cattle and sheep upon the common?—Yes, they have.

1519. And have they done that without any permission from anybody?—I never heard that they had any special permission.

1520. Have the inhabitants been in the habit of cutting the gorse?—I send to the common when I want some gorse cut.

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1521. Has any objection ever been made to you?—No objection ever was made.

1522. We have heard a great deal about these gipsies; have you ever experienced any inconvenience from the gipsies?—I never heard any person at Wimbledon complain of any inconvenience from the gipsies. I have always considered that the objection of the common keeper was more on account of the mischief they might do to the common, than the inconvenience to the inhabitants.

1523. Whatever inconvenience there might be by damage to the common, is it your opinion, that that might easily have been got rid of by the common keeper?—I believe at the present moment, there are very seldom any gipsies on the common, except at one part, and that is very near the part which is marked on the plan as belonging to the Duke of Cambridge. The gipsies generally resort there; since the volunteers have been so much on the common, the gipsies do not go on the other parts because they are within the line of fire.

1524. Then the volunteers have dislodged the gipsies?—From this part of the common, but the gipsies go to the west, by the Kingston-road, and Roehampton, and Putney Heath.

1525. Are there any inconveniences arising from the heaps of rubbish on the common?—There are certain inconveniences; they are very unsightly; but those heaps, I should say, are placed there by express permission of Lord Spencer's common keeper.

1526. He gives express permission?—Yes; the road sand is let to different individuals; they collect it, and put it in a place near the Pound; then a person in digging a foundation for a house, has a lot of clay for which he cannot find a place, and he takes it to the common and leaves it there, until he can use or dispose of it. I can give two instances, I think, during the last twelve months of that; I may say that the depositing the road scrapings is of daily occurrence; persons who have the road scrapings, put them on the common, until required for building purposes.

1527. That you say has been done with the sanction of the common keeper?—I am told that it is with his sanction.

1528. I suppose he could have it removed?—Most decidedly; but nothing of the kind has been done, and it has very much increased lately.

1529. Is the inclosure of the common for the purpose of the prevention of the nuisances, at all necessary?—I am not aware of any nuisance which might not be prevented by the common keeper.

1530. I believe you, having lived there 25 years, know most of the inhabitants round this common?—I do.

1531. Have you heard the matter of the inclosure of the common and the sale discussed?—At the first meeting called by Lord Spencer, there were only about four or five inhabitants of Wimbledon present, of whom I was one, and I took the liberty of inviting some of my friends to meet at my house to talk over what passed at that meeting, and I think there were about 20 present. I also attended a meeting subsequently, and I never heard any one person speak in favour of the inclosure of the common.

1532. Is it considered by every one of the inhabitants, that you have alluded to, to be objectionable?—I think the inclosure is considered unnecessary and objectionable; but of course the degree of objection must depend on the kind of the inclosure.

1533. Do you think there would be any advantage in any fence of any sort?—There would be to those who had the benefit of the pasturage.

1534. All of the inhabitants?—Not unless they had the right of pasturage.

1535. If they had the right of pasturage, you would think it right?—The pasturage would be better, and more preserved.

1536. Would it be objectionable for the public at large?—Certainly; because you could not go on the common as freely as at the present moment.

1537. Do you consider, in order to carry out Lord Spencer's scheme, that a larger outlay would be required?—A vast sum would be required to carry out Lord Spencer's scheme as explained by his Lordship with respect to the fence, and also with respect to the drainage, if it were drained as his Lordship proposes.

1538. If that scheme were not adopted, the sale of any portion of the common would be unnecessary?—Very little.

1539. Have you any objection to the sale of the parts of the common which have been pointed out?—Personally I have no objection to it, because I do not live near them; but I think more or less each place is objectionable. At the Roehampton side there are gentlemen's houses close by, and I think it would be unjust to them to sell the piece of ground in front of their houses. Then again, on the other side there is a large piece adjoining to Mr. Dray's freehold it is proposed to sell, which of course he would not consent to, and on the lower part of the common we should lose our frontage to Beverley Brook; and the inhabitants of Wimbledon and Putney will have to be rated in order to defray the expenses of preserving the common. They would have to be rated to a small amount, in order that the common should be properly drained. At the present moment, the part which is called the Plain has been partially drained by the Rifle Association, so that you may almost say, it is drained enough. Then on the brow of the hill, there are gullies where the water breaks out, and if the water in those gullies were taken into one channel, instead of being allowed to spread, we could get rid of that; and then this swampy part of the common would be dry, and you could walk where you liked. In fact I do not consider that any expensive system of drainage is necessary on that part, but on the Wandsworth and Putney end it is a different soil, and that is very swampy, and might require more drainage than the part near Wimbledon.

1540. Is it not at all necessary to have an inclosure for that purpose?—Certainly not.

1541. Now, could the drainage you consider necessary be done at an inconsiderable expense?—I think it could be done at a very trifling expense.

1542. How do you consider the money could be raised?—I should think almost all the inhabitants would come forward and subscribe money to pay for that small quantity of drainage which we consider to be necessary.

1543. Have they to your knowledge expressed their intention of doing so?—At a meeting which was called I think it was expressed that the inhabitants would consent to a rate to pay any necessary expense for improving the common.

1544. Now that part called the "Plain", lying between

between Wimbledon and the windmill has been drained?—It has been drained very much by the Rifle Association.

1545. There we believe it is swampy?—No, I do not call it swampy; the upper soil is rather peaty, but horse's feet do not sink into it. The swampy part is on the Putney side, between the windmill and Putney.

1546. Would cutting a few channels at that part where it is swampy effect the purpose?—Not at the part between the windmill and Putney, but it would at the side of the hill, lying on the west side of the plain.

1547. Sir *J. Shelley.*] Do I understand you to say that the feeling of the neighbourhood would be in favour of a rate being levied for the purpose of improving this common by drainage?—Not a heavy rate, but a small rate.

1548. You mean that it would be the wish of the inhabitants that some Bill should be brought in, which, by some means or other, would effect this improvement?—No, I think we are satisfied with things as they are.

1549. Am I to understand you, then, to say, that you do not agree with the opinions of others that expensive drainage is required at all, as regards the necessities of the neighbourhood?—Certainly, I should say not.

1550. Then you would be prepared to say, that you would rather that things remain altogether as they are, than that you should have powers, under some Act of Parliament, by which improvement of the district might take place?—Yes, more especially if we have no right of pasturage over it when improved.

1551. But supposing those who have rights, or those who claim to have rights, were to have rights of pasturage over it, you think then that some Bill might be introduced beneficial to the district?—I think that those who have the right of pasturage ought to pay towards the expense of drainage. If I have right of pasturage, I should be glad to pay for the expense of improvement.

1552. Do you think, residing as you do at Wimbledon, that a sufficient number of those who have rights of pasturage would consent, so as to enable a rate to be levied, to carry out these improvements and this drainage?—No, I do not think so. I think that the present feeling is to leave things as they are; but rather than have the common inclosed, we would make a rate for its improvement.

1553. The Committee, then, is to understand that, representing the district and neighbourhood, you would rather that the neighbourhood should tax themselves than that there should be any inclosure?—Certainly; many years ago I got up a subscription for a small drainage on the plain: that was not carried farther than to take off the top water. I think that now in the same way we could get up a subscription to carry the drainage to a greater extent if we had defined rights on the common.

1554. In regard to the common, were you enabled to drain?—We opened two or three trenches, which are now existing over parts.

1555. Having done that, without being interfered with, do you think there is the power to do the same now in regard to the superficial drainage to which you have referred?—I think that that was done with the consent of the common keeper. We could not take upon ourselves to go and dig the soil without having previously obtained the consent of the lord of the manor.

1556. Do you think it might be possible, that this surface drainage to which you allude might, with the consent of the lord, I suppose, be done, and that a subscription could then be levied without difficulty amongst the people residing in the neighbourhood?—Just so.

1557. That, you think, would be all that would be required to get rid of the damps and swamps to which allusion has been made?—I do not complain of any damps and swamps as injurious to health.

1558. Then you do not agree in the statement that has been made by somebody, that there are damps and malaria, in fact prejudicial to the health of the district?—Not at all.

1559. Do you allude to the part where you reside, which I see is on the south-west, or does that answer apply to the common at large?—I should apply it to the common at large; there would be a great improvement of the common if some channels were cut to take the water direct to the brook, instead of its spreading over the surface; but we never had the power to do that. I have alluded to the subscription for a small drainage, at the same time we arranged to cut some of these channels, which was done, but they have not been kept open.

1560. Then you do not believe in the statements that were made, that fever and ague are produced by the damp of the district?—Certainly not.

1561. And you apply your answer, not to this particular district, but to the whole of the common at large?—Yes.

1562. And the drainage to which you allude is what we should call superficial drainage, simple trenches cut on the surface?—That would do it; but then, at the same time, if you went to more expense you would put in pipes; it is only a question of expense.

1563. Do you think, looking at it as a practical man, that the superficial drainage to which you refer would be sufficient to get rid of any idea of damp, or fever, or ague, or anything of that kind?—Yes, I do.

1564. And you think there would be no difficulty in raising money sufficient for that purpose at the present time, and hereafter to keep the trenches open?—In order to carry out any drainage; but, at present, the inhabitants living there many years have done nothing, and the lord has done nothing for us; but if any change were to take place, I have no doubt the inhabitants would agree to subscribe money to carry out that improvement.

1565. I understand you distinctly to say, that that depends upon the common being left uninclosed as it is at this time?—I do not positively say uninclosed, because there might be a post and rail fence; but if the common is to be altogether inclosed with a high rail to assist the volunteers, I think that all the inhabitants would do everything in their power to oppose it, and they certainly would not put their hands into their pockets to pay any expense.

1566. Then I understand you to say this, that the question of fences on the part of the neighbourhood depends upon the fence not being such as to prevent persons getting in or out to do as they like?—I cannot say that, because a great many persons are opposed to any fence whatever, but it would be a matter of arrangement whether an open post and rail might not be approved; I am not however prepared to answer

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that question positively, because the general impression is against any inclosure.

1567. Your own impression is that it might be desirable to get over the difficulty by having an open post and rail fence, such as you allude to?—If we could understand what the lord is inclined to dedicate to the public at the present moment. He says he has the right to get gravel, the right of digging turf, and the right to take loam, and under his Bill he is to have the right to sell or let the pasturage, so that I do not know what will be left for the public.

1568. You have not seen the amended scheme of Lord Spencer?—No, I have not; the chief point which we want to know is whether we are to have a right of way, and of going on the common just as we do now; because if any expense is to be incurred in improving the pasturage, and then that pasturage is to be sold or let, as Lord Spencer thinks proper, I want to know what the public is to get. I heard one of the witnesses, Admiral Sulivan, say that the land might be worth 30 *s.* or 2 *l.* an acre per annum; I should say that the greater part of the common will never produce anything like that amount, because it is very bad soil; and if the public are to have a right of way over it, no one will be willing to give that rent. But if it is to be inclosed, and improved, and if the public are to be told they must not go to this part or to that part because the pasturage is let or sold, then I think that Lord Spencer's scheme is not to be approved of, nor of any benefit to the public.

1569. Then you suggest to the Committee that you would not like any arrangement to be made by which the present condition of the common was in any way to be altered, otherwise than by being improved by drainage?—Yes.

1570. Mr. *Locke King.*] Then you are decidedly opposed to the post and rail fence?—No, not decidedly opposed to it; if Lord Spencer would dedicate the common to the public so that it should never be built upon, and so that there should be no internal inclosures and no reservation of the pasturage for sale or letting, I do not say that I would not consent to a post and rail fence being put up, as a compromise.

1571. I think, under the item of expense, you propose to separate the drainage from taking care of the common?—Yes.

1572. The drainage, if necessary, you would raise by subscription, would you not?—I would.

1573. And provide for the taking care of the common by a low rate?—That would be an annual expense.

1574. Then, as regards the superficial draining, I suppose you would include some deep cuttings for the water to run into?—No; there is so much fall, except on the plain, that that would not be necessary; and the plain at the present moment is almost drained by the National Rifle Association.

1575. Sir *J. Shelley.*] I will read the heading of this paper, which has just been handed in: "Outline of the scheme proposed by Earl Spencer, lord of the manors of Wimbledon, and Battersea, and Wandsworth, for preserving Wimbledon Common, for remedying certain evils to which it is at present subject, for dedicating it as a place of recreation to the public, and for regulating its use and enjoyment." If you will turn to page 3, you will find it stated that amongst "the evils incident to the present condition of the common, are these: 1st. The want of a proper drainage. A great portion of the common is in wet weather little better than a swamp. The damp is injurious to the health of the neighbourhood, and many parts of the common are from this cause rendered inaccessible to the public. The National Rifle Association have done some partial draining, which has been successful in lessening this evil. The common might be completely drained for 3,000 *l.*" Now, I want to ask you, as a gentleman living on the spot, and giving your opinion, not as regards the particular place where you reside, but as regards the whole common, whether you say that "a great portion of the common is in wet weather little better than a swamp"?—No; on the side of the hill and on the part between the windmill and Putney it is wet.

1576. Is the "damp injurious to the health of the neighbourhood;" and are many parts of the common inaccessible to the public?—I do not admit that the damp is injurious to the neighbourhood.

1577. With regard to the expense, which is here computed at 3,000 *l.*, in your opinion, that superficial drainage, such as you alluded to, a few open drains through the most swampy parts would meet the difficulty?—In my opinion it only wants channels down the side of the hill, in order to prevent the water spreading when it flows out.

1578. Do you think that the expense of such a scheme would amount to anything like 3,000 *l.*?—It would not cost 300 *l.*, I am quite certain.

1579. Mr. *Locke King.*] Do you consider that it will be necessary to have cottages erected on suitable parts of the common?—I consider it would be very objectionable to put them there. That is the very objection I have had to butts being put on the common, because some day or other we may find cottages in their place.

1580. Has not the feeling shown at the meetings at Wimbledon been decidedly against any fence whatever?—Yes.

1581. Mr. *Hanbury.*] In Lord Spencer's scheme he says that the common might be drained for 3,000 *l.* Would not that be very expensive draining?—Yes.

1582. Would not that empty a great part of the wells in the neighbourhood?—I think it would. Many of our wells are very shallow; not more than 12 or 13 feet deep.

1583. Mr. Alderman *Rose.*] You say that, in your opinion, as an inhabitant of 25 years' standing, there is no complaint of malaria?—Certainly not.

1584. And you consider that the drainage necessary to keep this open space for public recreation might be done for about 300 *l.*?—I should say so.

1585. And you say that so far as the upper plain is concerned, the Rifle Association have carried out all the necessary drainage?—Substantially; we have been walking upon it the whole of the winter.

1586. You object to any kind of fence, because you insist upon an equal right of pasturage?—We wish to retain our right to pasturage; if inclosed we should be deprived of our right at the time when it would become more valuable.

1587. Supposing that you are not to have the right of pasturage, you would object to any kind of fence?—Yes.

1588. You do not, as I understand, find any great

great annoyance from the gipsies?—None at all.

1589. As a class, do you consider them useful in carrying round commodities amongst the poorer people?—I cannot say that they are very useful.

1590. Mr. *Shaw Lefevre.*] You have a freehold?—Yes; subject to a chief-rent of 12 *s.*

1591. Did you buy that yourself?—Yes.

1592. Was any mention made of the right of common in your deeds?—It is mentioned.

1593. When you bought the copyhold was any mention made of the right of common?—I considered that a matter of course.

1594. Have you increased the number of your cattle since you were a copyholder?—No.

1595. What is the size of your freehold?—My original freehold was six acres, and the copyhold seven acres.

1596. When you raised subscriptions for the drainage, did you raise those with the assistance of other freeholders?—A gentleman who was living there at that time got in the subscriptions.

1597. Is he a freeholder?—He was only a tenant; any one who chose to contribute did so, I do not remember who they were.

1598. How long ago was that?—Twenty years.

1599. Was that done with the knowledge of the lord of the manor?—The money was spent with the leave of the common keeper.

1600. Had that gentleman been in the habit of turning out cattle there?—I cannot say.

1601. It was done to improve the pasture, I suppose?—The water used to lie very much on the common in the winter, and therefore we cut two or three main drains across.

1602. Was it to improve the pasture?—The pasture and the riding.

1603. Viscount *Bury.*] You say that the inhabitants would raise the money for the necessary improvement; on what conditions would they do that?—If the common is dedicated to the public, I suppose.

1604. What part of the common do you mean?—The part that Lord Spencer proposes to dedicate.

1605. You mean if that part coloured pink were dedicated to the public without a fence?—Yes.

1606. And drained?—It is a part of his Lordship's scheme that the common should be improved. We cannot expect that one portion should be dedicated to the public without some arrangement to meet his Lordship's wishes; and if he dedicated the common to the public we should be happy to find the means for its improvement.

1607. Would the inhabitants, in your opinion, submit to a rate for keeping up this part of the common?—I should think so; it would be a greater advantage than the expense.

1608. Would they submit to that right without being guaranteed that that part marked green, and brown, and blue, should be reserved for the use of the public as well as the pink?—So far as Wimbledon is concerned, I do not think that the sales of those parts immediately affect us, but they affect the individuals who have property adjoining.

1609. Would it be satisfactory if the inhabitants of those parts of the common which are now scheduled for sale, had the pre-emption right over them?—I cannot say whether it would.

1610. Looking at the scheme as a whole, do you not think that Lord Spencer giving up that large extent of common, could hardly be asked to give up the whole of his rights?—I do not understand what rights his Lordship is giving up, because he reserves everything. If the common is dedicated to the public, I suppose he could not build upon it; that is the only thing. He derives a large income from digging gravel, and lately he has increased his income by cutting a great deal of turf, which he retains by the Bill.

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1611. Lord Spencer, I suppose, is admitted by the inhabitants to have some rights?—Yes; he is lord of the manor.

1612. He proposes to give up such rights as he has, as lord of the manor, over a certain portion of the common?—His rights as lord of the manor are those of digging gravel, and bog earth and loam, and he also claims the right of cutting turf. All those rights he reserves by his scheme. He is to take the pasturage; the copyholders are to be compensated by the sale of some part of the outlying lands for their rights of pasturage, which Lord Spencer is to have. Then I want to know what he is giving up.

1613. I understand that you personally have no objection to a post and rail fence?—If I can get in and out as I please.

1614. Supposing it is only three feet high?—I should not object if there are openings at different places, and if the copyholders have the right of pasturage.

1615. There might be openings wherever there are roads?—That again opens another question, because his Lordship says he may make the roads where he likes; and, according to the scheme, there is no guarantee that we should have more than one road; the road marked on the plan from Wimbledon to the Windmill is most objectionable.

1616. Mr. *Tollemache.*] I understand you to say that you, personally, have no objection to a post and rail fence?—Not if I can get in and out as I please.

1617. Do you ride?—I used to do so frequently.

1618. If you were in the habit of taking morning rides, should you have any objection to a post and rail fence?—That would depend upon how many openings there were.

1619. Are your neighbours of your opinion?—I think that the majority are against any inclosure whatever.

1620. Is it not evident that a post and rail fence must be more or less an objection to those who are fond of horse exercise?—It depends upon the number of openings for horses.

1621. You could not have openings every five yards?—No, there might be an opening opposite every gentleman's house.

1622. Mr. Alderman *Rose.*] You object to post and rails unless you have the pasturage?—Yes.

1623. Mr. *Shaw Lefevre.*] Has there been any meeting of the freeholders or copyholders, to ascertain what rights they have?—No.

1624. Supposing that the lord of the manor were to inclose with the consent of the homage, are there people at Wimbledon who would contest the matter with him?—I think so; I should be happy to be one of them.

1625. Mr. *Lyall.*] Are you acquainted with Lord Spencer's scheme?—I have not seen the amended one; but according to the Bill he proposed to reserve to himself the right of digging gravel and all the rights which he at present exercises over the soil; also to let or sell the pasturage;

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turage; and then it seems to me, that there was no dedication to the public of any right over the common which might not be controlled by internal inclosures; in fact, there was not even any obligation on Lord Spencer to make any roads; there is no obligation in his Lordship to make any roads. It appears to me that we get nothing by the Bill, except that no buildings could be erected upon the common if dedicated to the public.

1626. You are not acquainted with that portion of the scheme by which he proposes to place in the hands of trustees the 700 acres for the benefit of the public?—I do not know what benefit the public will get.

Mr. WILLIAM WILLIAMS, called in; and Examined.

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1627. Mr. *Locke.*] WHAT are you by profession?—I am a Solicitor.

1628. Do you live at Parkside, Wimbledon Common?—I do.

1629. Have you known Wimbledon Common about 25 years?—I have.

1630. Have you lived 15 years in the house which you built on part of what was Wimbledon Park, facing the common?—Yes.

1631. Was the park sold about 20 years since, by the late Lord Spencer, to Mr. Beaumont?—It was.

1632. And a great portion of it has since been resold by Mr. Beaumont for building purposes?—Yes.

1633. What was your own inducement to buy and build upon land facing the common?—My inducement was based on the popular conviction and belief that Wimbledon Common could not be inclosed.

1634. That induced you to purchase that land and build upon it?—Yes.

1635. Are you likewise a copyholder of Wimbledon Common?—I am.

1636. Did you purchase a copyhold cottage and garden at Putney?—I did.

1637. For what purpose did you purchase that copyhold cottage and garden?—I purchased it for the purpose of entitling myself, as a copyholder, to be consulted as to any intention of dealing with Wimbledon Common; I have been served with the usual parliamentary notice.

1638. Are you a member of the committee at Wimbledon, appointed at the suggestion of Lord Spencer, to deal with this Bill?—I am.

1639. Were you present when Lord Spencer and Mr. Forster were examined as witnesses before this Committee?—I was.

1640. Was the evidence given of Lord Spencer's legal rights or claims any surprise to you?—A complete surprise.

1641. Had you ever heard of any such claims?—None whatever.

1642. You recollect Mr. Forster's evidence, when he stated that those rights had been discovered by himself since the Bill was introduced?—I so understood Mr. Forster's evidence.

1643. But you never heard of any such claim before?—Certainly not.

1644. Before Mr. Forster and Lord Spencer gave their evidence?—Certainly not.

1645. Speaking as a professional man, is it possible for anybody to pretend to answer such evidence as this; could it be properly sifted in any other court than a court of law?—Certainly not; it would be quite impossible.

1646. Could it be sifted before a Parliamentary Committee?—I do not think it could.

1647. Would it not be necessary that you should have evidence of court rolls, evidence of user; in fact, all the evidence that is usual in cases of this sort, adduced upon oath, in order that a legal decision could be come to?—Yes.

1648. Have you looked at this paper which has just been put into my hands?—Yes.

1649. Do you consider that the assertions on the part of Lord Spencer and of Mr. Forster, which are reiterated in that paper without reference to their having been contradicted or not, amount to anything at all?—They amount, of course, to the assertion of Lord Spencer's claim.

1650. But has there been one tittle of evidence adduced during this inquiry to establish that right in any way; that is, in your opinion?—Certainly not.

1651. You are aware of the evidence of those rights which has been produced?—Yes.

1652. It has been merely that a certain gentleman held a particular opinion upon a certain point, but why we have not been told, or upon what ground?—The effect of the opinions is stated.

1653. But upon what they were founded, whether the extracts were taken from the court rolls, there is no evidence to show?—None whatever.

1654. Now, whatever may appear from the court rolls to be the theoretical custom of the manor as to the rights of common belonging to the copyholders, in actual practice, what has been the user of this common ever since you have known it?—It has been used, ever since I have known it, by the inhabitants generally of the parishes of Wimbledon, Wandsworth, and Putney, and especially by the poorer classes, who turn out their cattle upon it.

1655. What do those cattle consist of?—Cows, horses, sheep, and donkeys.

1656. Were they turned out indiscriminately, and without stint?—As far as I could judge. Certainly, one man was reputed to have a large number of horses on the common, and certainly he had a very small tenement.

1657. Do you recollect a man who has turned out as many as 20 or 30 ponies on the common?—Yes.

1658. Has he done that for many years?—Ever since I can recollect.

1659. I believe of late there has been fewer cattle on the common?—Yes.

1660. To what do you attribute that?—To some extent I should attribute it to the fact that the lower and more sheltered parts of the common have become dangerous, owing to the establishment of permanent butts.

1661. Were there formerly any gates which crossed the roads leading to the common?—Yes; there were gates that were put across public roads for the purpose of keeping in the cattle; and those gates having been found by the parish authorities to obstruct the traffic, they have been removed, and the consequence of course is, that the cattle that were put upon the common would stray on to the roads, and they would be pounded. The natural consequence of that has been to diminish the number of cattle turned out.

1662. Can you refer us to any authority where the

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the customs of the manor are stated?—Mr. Burrell, whom you have already had before you, has referred to the book of Watkins on copyholds; and I think you will also find that the customs are set out in "Manning and Bray's History of Surrey," a very well-known history of Surrey, published in the year 1814.

1662*. There they are apparently set out from the court rolls?—

1663. Are they stated in effect in the Parliament Survey of 1649?—Yes, I have an extract from that survey; it is printed in the 10th volume of the "Archæologia of the Society of Antiquaries," in the library at Lincoln's Inn.

1664. We will first take your extract from "Manning and Bray's History?"—I need only refer to the concluding passages in Manning and Bray. They are to the same effect as Watkins on copyholds, which is a more portable volume than Manning and Bray. "Manning and Bray's History" is in three very large volumes. There is a reference to the free and customary tenants, which Mr. Burrell has already referred to, that "the lord has liberty to grant, with consent of the free and customary tenants, parcels of the waste for years or otherwise." Then, under the head of tenants' privileges, "Have common in the lord's wastes all the year, and hedge-bote, plough-bote, &c., but not to dig gravel, clay, or turf."

1665. Can you speak to the exercise of any of those rights by the commoners?—I can speak to the exercise by persons whom I have known, living in the village, whom I believe to have been commoners of copyhold tenure.

1666. Have you any extract from the Parliamentary survey?—I have. The record is entitled, "A Survey of the Manor of Wymbledon als Wymbledone wth the rights members and appurtences thereof lying and being in the countie of Surrey late pcel of the possons of Henrietta Maria the Relict and late Queen of Charles Stewart late King of England made and taken by us whose names are hereunto subscribed in the month of November 1649 by virtue of a Commission grounded upon an Act of the Commons assembled in Parliament for sale of the honors manors and lands heretofore belonging to ye late King Quene or Prince undr the hands and seals of five or more of the trustees in the sayd Act named and appoynted." And it contains the following particulars as to the rights of the Lord and the tenants over the commons:—

"The benefit arising to the Lord of the foresd. manor by driving of the moores and commons within the boundaries thereof at certain tymes of the yeare according to the custome of the said manor wee value to be worth comuibs annis . . . 001 1000." Then it goes on to state, with reference to the common,—

"Wymbledon Common.—Memorand. that there is belonging to the sayd Manor of Wymbledon a common or more ground lying in Wimbledone aforesd called Wymbledon Common conteyning by estimaco three hundred acres of land more or less.

"Putney Commons.—One other common or more ground in the township of Putney, called Putney Common conteyning by estimacon four hundred acres of land more or less.

"Moreclack Commons.—One other common or more ground lying in the township of Moreclack aforesaid, called little heath, conteyning by estimaco thirtie acres of land more or less.

"Commons.—One other common or more ground lying within the township Moreclak aforesd called the 'Payne,' conteyning twelve acres of land more or less. The four commons or mores before mencoed cannot be inclosed by the Lord of the Manor without the consent of the copieholders of the sayd manor and therefore they are of no further benefitt to the Lord of the said Manor than as is before mencoed in the pticullr of driving the same.

"Pollard Trees.—There are a great number of pollard trees standing and growing upon the commons aforesd the crops whereof as they grow are usually cut by the copieholders of the sayd manor & taken & converted by them for firebote according to the custome thereof, but the bulkes and bodies of those pollards belonging to the Lord of the sayd Manor we have valued the same trees one tree with another being fit for nothing but the fier the whole unto the sum of . . . . . 0500 . 00 . 00." Then among the customs of the manor is the following: "Every cottager that is a coppyhouldr. of the said manor may keepe on the commons within the said manor twentie five sheepe two cowes one mare & a coult and is to have once in every yeare allowed him one cart eload of cropp wood from of the pollards of the said commons and he that hathe fifteene acres or the greater pte of fifteene acres of copie hould land is to have the like libertie of commoning and fireboote."

1667. Is there any restriction with respect to 15 acres there?—"He that hathe fifteene acres or the greater pte of fifteene acres of copie hould land is to have the like libertie of commoning and fireboote." It appears to have been taken on a survey made previously for the sale of various royal manors, under the direction of the House of Commons. I may state that this manor was sold to Mr. Adam Baynes in 1650; but on the Restoration it was restored to the Crown, and was afterwards sold by the trustees of Queen Henrietta Maria to the Earl of Bristol. I am now speaking from information contained in Manning and Bray.

1668. Have you anything further to add to that evidence?—Nothing.

1669. I have one question to ask you as to the inclosure of the Common; as a member of the committee, will you be kind enough to state the means taken by you and the other members to ascertain, as desired by Lord Spencer, the views of the inhabitants of the neighbourhood?—The first step taken was to attend a meeting which Mr. Oliver has already referred to. It was held at Mr. Oliver's house, and there were about 25 gentlemen present; and I read to that meeting the letter of Lord Spencer's solicitor containing an outline of the proposed scheme, the Bill at that time not having been printed. Lord Spencer, in the letter which Mr. Forster wrote to me, stated that, under his scheme, he only meant to get for himself "whatever share of the commoners' compensation the Commissioners may choose to allot him, and," said Mr. Forster, "I shall be very much surprised if this exceeds a few hundred pounds on the outside." He certainly did not then contemplate that he had any such rights as those which he has now put forward. I need not read the whole of that letter; but it was resolved, "That an earnest representation be addressed to Earl Spencer to induce him to abandon that part of the scheme which proposes to inclose the common with an iron railing

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or any other kind of fence; and that inasmuch as the absence of an inclosure may diminish the anticipated value of the herbage and increase the expenses of management, this meeting pledges itself to use its influence with the inhabitants of Wimbledon, Putney, Roehampton, and Wandsworth, in the immediate neighbourhood of the common, to make good any deficiency in the funds available for paying the annual expenses of management and control of the common if left uninclosed;" and I was requested to communicate the resolution to Mr. Forster, on behalf of Earl Spencer, which I accordingly did. Previously, however, to the Committee, appointed at the suggestion of Lord Spencer, of which I was a member, coming to any definite conclusion, they thought it right to call a large meeting of the inhabitants of the neighbourhood, and accordingly a large meeting was held at the house of Mr. Peek, preparatory to the report of the committee being sent to Lord Spencer. More than a hundred invitations were sent out indiscriminately to all the gentlemen whose residences were in the immediate neighbourhood of the common; 65 gentlemen were present. The report of the committee was adopted, and we were requested to communicate the resolutions of the meeting to Lord Spencer. Those resolutions were as follows: "That the statement of the committee, appointed at the meeting convened by Earl Spencer at the Lecture Hall, Wimbledon, on the 11th November last, and now read, be adopted; and that the committee be requested to wait upon Earl Spencer, and lay before his Lordship the objections contained in their statement, and such other objections as may occur to them, and also the Act of 1861, called the 'Clifton and Durdham Downs (Bristol) Act,' with the view, if possible, of inducing his Lordship to meet the wishes of the inhabitants of Wimbledon, Putney, Roehampton, and Wandsworth, and to adopt the principles of the Clifton and Durdham Downs Act of 1861:" That this meeting pledges itself to use its influence with the inhabitants of Wimbledon, Roehampton, Putney, and Wandsworth, in the immediate neighbourhood of the common, to make good any deficiency in the funds available for paying the additional expenses in the management and control of the common if left uninclosed." Accordingly, sir, those resolutions were transmitted to Lord Spencer, and I received from Lord Spencer a letter in reply.

1670. You have not stated what the report of that committee was?—In the first place, it appeared to the committee that the "nuisances and annoyances mentioned in the preamble do not exist to such an extent as to require an inclosure of the common for the purpose of remedying and preventing them. All that seems required is, better management and increased police powers, and a larger staff of common keepers or constables." They go on to state that, "it is perfectly true that the common is in some parts ill-drained, and almost wholly unfit for pasturage, but it would be entirely inconsistent with the full and complete enjoyment to be derived by the public from the common if any considerable changes or improvements were made by other means than drainage. If the gorse and brushwood were cleared away to any great extent, in order to increase the ground available for pasture, and the pasturage were to be regarded as a source of profit, or the primary means of paying the expenses of management, it would be absolutely necessary that there should be not only an external fence, but internal inclosures, and the consequence would be, that the general features or aspect of the common would be completely altered, and the enjoyment to be derived from it by the public as a place of recreation would be greatly diminished." Then, "with respect to the sale of parts of the common to defray the expenses of passing the Act, and providing for the other purposes therein mentioned, including compensation to the lord and commoners, the committee consider that it would be very much preferable that funds should be provided by the residents and owners of property in the neighbourhood for meeting the necessary expenses of the scheme, rather than that any parts of the common should be sold for that purpose; and further, that these expenses should be reduced to those absolutely required for the improvement, preservation, and management of the common as an open and uninclosed place of public recreation and enjoyment, but not as a 'park,' leaving the rights of the lords and the commoners otherwise unaffected, and therefore obviating the necessity of providing any compensation to them. There are objections applying to the sale of each particular portion selected for sale, and no sale will be necessary if the expenses were thus limited and funds were provided from other sources for meeting them." Then some suggestions were made, which I need not trouble you with, as to the limitation of Lord Spencer's rights of digging gravel and cutting turf. Then, "the committee also consider that no scheme for managing the common would work satisfactorily unless, in addition to the 'protector,' some persons elected by and responsible to the public were appointed to assist the protector in the management; and if the plan were adopted, which has been suggested by the committee for raising the necessary expenses of management by rating the inhabitants of the neighbourhood, it would be the more desirable that some persons should be elected by the inhabitants for the purpose of superintending the expenditure of the money raised." Then, sir, "the committee have had brought to their notice several Acts which have been passed within the last few years, for effecting purposes somewhat similar to that proposed to be carried out by Lord Spencer's Bill." Amongst these, which had not been brought to the notice of Lord Spencer's legal advisers, is one called the Clifton and Durdham Downs (Bristol) Act, 1861, to which the committee has already had a reference. "That Act recites that there are in the immediate neighbourhood of the city of Bristol two downs or commons contiguous to one another, and undivided, one of which downs is entirely within the city and county of Bristol, and contains about 230 acres, and is called Clifton Downs, and the other of the said downs is partly within the same city and county of Gloucester, and contains about 212 acres, and is called Durdham Down, and both the same downs have from time immemorial been open and largely resorted to as places of recreation for the inhabitants of Bristol and its neighbourhood, and it is expedient that they should be so maintained." Then the Act dedicated the whole of these downs to the public, and enacts "that the parts of the Clifton Down and Durdham Down therein mentioned, are for ever thereafter to remain open and uninclosed, and as a place for the public resort and recreation of the citizens

citizens and inhabitants of Bristol, subject to the commonable and other rights, if any, of the freeholders of the manor of Clifton, &c." That Bill was brought to Lord Spencer's notice, as a precedent upon which we wished this dedication of the common to proceed. Lord Spencer's reply was a very short one, to the effect that he had desired Mr. Forster to answer the committee's report in detail; that he had made two very important modifications in the Bill; one with regard to the management, and the other with regard to his reserved rights." Lord Spencer then goes on to say, "I am of opinion that the inclosure will be an advantage, and on that and other points of my scheme, I should prefer leaving the decision in the hands of Parliament. I do not wish, from personal motives, to press the questions on which we differ, but I wish the public to have an opportunity to select the scheme which will best suit their interests." Then the next step taken by Lord Spencer's committee was this, the meetings that had been called were meetings to which the gentlemen of the neighbourhood had been invited by letter; in fact, they had been select meetings, and therefore for the purpose of obviating any doubt in the mind of Lord Spencer as to what were the real wishes of the people of the neighbourhood, a public meeting was called, which was held in the lecture hall of Wimbledon; and I have in my hand a report of what took place at that meeting, and the resolutions then come to.

1671. What is the date of that paper?—It is February the 18th. The meeting was held on the 15th of February. I was present at the meeting. It was a large meeting, the lecture hall being closely filled with people of all ranks, and without any attempt on the part of the gentlemen of Wimbledon to pack the meeting in any way. No one knew, I believe, who would be there. The meeting came to these resolutions: "That this meeting, after having heard the report of the committee appointed at the meeting called by Lord Spencer, and held here on the 11th November last; having also heard a statement of the subsequent correspondence and communications with Lord Spencer, and his solicitors, is of opinion that no inclosure or sale of any portion of the common ought to take place for the purpose of effecting the scheme."—"That the inhabitants of Wimbledon hereby pledge themselves to use their utmost efforts for carrying into effect the perpetual dedication of the common as an uninclosed space to the public."—"That this meeting is o opinion that, if the proposed inclosure and sale be abandoned, the residents in the neighbourhood of the common will, by subscription, rating, or otherwise, readily made good any deficiency in the funds available for paying the expenses of the drainage, improvement, and control of the common, if left undiminished in extent, and uninclosed."—"That, in the opinion of this meeting, it is desirable that any scheme for the management and control of the common shall contain a provision for representing the inhabitants of Wimbledon, by means of at least one trustee on the Board of Management."

1672. Were those resolutions transmitted to Lord Spencer?—I do not know whether they were formally transmitted. It was after the correspondence had closed. Lord Spencer was, I believe, perfectly aware of the fact that the meeting was held, as one of his sons was present at the meeting.

1673. Had you an interview with Lord Spencer after that?—I had.

1674. What took place then?—No one can be more courteous than Lord Spencer has been in all his communications with us. At the same time he adhered to his views; he still thought that the inclosure would be desirable, and stated his reasons, and stated that it was desirable that the scheme—as I see the scheme which has now been put in is—should be self-supporting.

1675. That interview was previous to this last meeting?—It was.

1676. Were you present at another meeting held at Alderman Besley's?—I was.

1677. At his house?—In Wandsworth parish. I have not the resolutions passed at that meeting, but I may state that, with respect to the inclosure, they were the same as those which had been previously come to at Wimbledon, and also, I may state, at Putney.

1678. You have had interviews with gentlemen at Putney, and you have been likewise in the habit of meeting members of the Putney Committee?—Yes.

1679. Is the opinion of that part of the neighbourhood equally decided against any inclosure or fence?—Equally; it is very decided against any inclosure or fence?

1680. And likewise against the sale of any part of the common?—Yes.

1681. And also against the scheme of management by official persons, without some local representatives?—Yes.

1682. And are you in favour of a scheme for furnishing the expenses of improving and managing the common by means of a public subscription, or of local rates?—I am.

1683. In fact, you entertain the same views as those which were embodied in the resolutions which you have just read?—Yes; there is an entire unanimity of the whole neighbourhood on that subject.

1684. In your opinion, do you think that ample funds would be found, either by subscription or by a local rate, for the purposes that have been stated to be necessary in respect of this common?—For all necessary purposes; for the improvement and management, I am quite sure that the funds would be forthcoming.

Lunæ, 3° *die Aprilis*, 1865.

MEMBERS PRESENT:

Mr. Baillie.
Mr. Buxton.
Viscount Bury.
Mr. Cowper.
Mr. Cox.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. Lyall.
Mr. Torrens.
Mr. Vance.

JOHN LOCKE, Esq., in the Chair.

Mr. William Williams was called in; and further Examined, as follows:

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1685. Mr. *Hanbury*.] There is a very strong opinion against this inclosure, is there not, down at Putney?—Very strong indeed.

1686. In the event of this scheme being given up, have you any doubt whatever that a small rate might be levied, in order that this open space may be secured to the public, if it should be so protected?—I have not the least doubt that a rate might be easily levied from the two parishes.

1687. Mr. *Peacocke.*] I see you stated the other day that you bought a cottage, in order that the common might not be inclosed without your having a voice in the matter?—I did.

1688. Do you enjoy the common rights in consequence of that purchase?—I believe I do; but perhaps I do not quite understand the Honourable Member's question, whether he means that I exercise those rights.

1689. I was coming to that?—I conceive that I do.

1690. Have you exercised them?—No, I do not possess any horse of so little value that it would be worth my while to run the risk of losing it by turning it out on the common.

1691. Have you cut furze?—No, I have not. It is only three or four years since I made this purchase.

1692. Have you reason to believe that by the acquisition of similar property persons can obtain common rights?—I certainly thought so until I heard the evidence given by Lord Spencer and Mr. Forster, but I am still not convinced by that evidence that I have no common rights.

1693. It is your belief still that you have?—It is my belief still.

1694. Mr. *Baillie.*] Have you exercised your right by merely walking over the common?—I have only exercised that right as one of the public, supposing the public to have the right.

1695. Supposing the lord of the manor to have the rights which it is represented that he has, and the commoners to have their rights, that would be a legal way of exercising them?—I apprehend it would, if I were to go there for that purpose; I may perhaps add, that for the purpose of asserting my common rights, I did, when the National Rifle Association had made their inclosure, go there on my horse for the purpose of asserting my right of common.

1696. Supposing this Bill were to be withdrawn, are you aware what proceedings might be adopted under the Statute of Merton?—Lord Spencer might assert a right to approve, that is, to inclose parts of the common, leaving what he might allege to be sufficient for the pasturage of the commoners uninclosed, but the question of sufficiency must be a question for a jury, and my own opinion is, that it would be difficult to convince a British jury that sufficient had been left.

1697. Mr. *Locke King.*] Are you aware whether any petition has been presented against this Bill?—Yes.

1698. Can you state any particulars with regard to this petition?—A print of the petition which has been presented against this Bill has been put into my hands; if the Committee wish it, I will read it.—[*The Witness put in the same.*—Vide *Appendix.*]

1699. Can you also give us any information as to the numbers who have signed?—The copy of the petition that I have does not appear to contain it, but I can probably procure it if the Committee wish it.

1700. Mr. *Lyall.*] From the knowledge that you have of the rights of common on the part of the lord, would you prefer that matters should remain exactly as they are, rather than that some such proposition as that of Lord Spencer should be carried into effect, taking all the chances of the future?—It is a difficult question to answer: but I should very much prefer that the common should remain uninclosed; I should prefer that as little as possible should be done to change it; I think it is very important to the public at large that no power of inclosure should be afforded to lords of manors within a certain distance of large towns.

1701. Then would you be satisfied to let the common remain as it is?—I am not prepared to say that it is desirable that matters should remain quite as they are; but that is my personal opinion, and you must not understand it as expressed in any other than my personal capacity.

1702. You would, then, rather like, on the whole, that Wimbledon Common should be in some way dedicated for ever to the public?—Certainly.

1703. That could only be done by Act of Parliament?—Or by lawful dedication by the lord of his own rights, such as I understand Lord Spencer proposes by his scheme, which I understand to be a dedication by Lord Spencer of all his rights as lord.

1704. Can you tell me to what extent in value those who have rights in Wimbledon Common have

have agreed to concur in Lord Spencer's scheme?—I cannot exactly give that information from my own personal knowledge; I have no means of information except that which is contained in a letter written by Mr. Gore, which states that 287 persons had been served with notices, of which number I think 93 have consented to the inclosure.

1705. That is in numbers, not value?—In numbers; 20 have dissented; 48 are neutral, and from 126 no answers have been received.

1706. Mr. *Baillie.*] What is the date of that letter?—It is the 27th February.

1707. Mr. *Lyall.*] Therefore, the extent in value is not given?—No.

1708. I suppose you would like a dedication similar to the one that has taken place with regard to Durdham Downs, near Bristol?—Yes.

1709. Mr. *Cox.*] How long have you known Wimbledon Common?—Twenty-five years; I have only lived there 15 years.

1710. You can speak of your own knowledge for 25 years?—Yes.

1711. During the whole of that time have you ever seen any notice-board, cautioning persons not to trespass on the common?—No.

1712. On any part of it?—Certainly not within that time.

1713. Have you, from time to time, seen people playing all sorts of games, or any sort of game there?—Yes.

1714. Boys and men?—Yes.

1715. Has it come to your knowledge, that persons so playing games on the common have ever been warned off?—No.

1716. Did you hear the evidence given before this Committee by Mr. Wingrove Cooke, one of the Inclosure Commissioners?—No, I was not fortunate enough to be present.

1717. You stated just now that you should desire to have the common dedicated to the public by the lord of the manor; will you be good enough to explain what you mean by the word dedication?—That so far as the lord has the power of preventing the public from exercising the privilege of recreation and enjoyment, the lord should abandon that right.

1718. Allow me to ask you, as a lawyer, whether dedication may not be obtained by user?—As a matter of law, I apprehend it can.

1719. Then, supposing it can be shown that people residing near Wimbledon have for 60 years used the common for purposes of recreation, do you think that any dedication by the lord to the public would be necessary to secure that right?—I am afraid that my opinion on such a question would not be of much value to the Committee. It is a question of law. These are matters of abstruse law, upon which, perhaps, my opinion would not be considered of any value; but, speaking after a very slight investigation of the matter, I should think that it would still be very desirable for the public that the lord's rights should be extinguished, so that the rights acquired by the public may be free from all interruption: questions have arisen in other places.

1720. You think that, for the purpose of getting rid of any question of public right, it would be better that the lord should dedicate, to use your own word, what remains in him?—I think that the public would be very grateful to the lord of the manor. As a member of the public I should be, if he did so.

1721. I for one should not be grateful to a man who gave me something that did not belong to him?—I should be grateful if he removed any doubt as to whether it belonged to him or not.

1722. You think it better, if the lord claims any right, or has any right, that he should forego it?—Yes, and I think it would be very handsome on the part of the lord to do so.

1723. That is assuming that he has any right left in him?—Whatever right he has. You cannot put it higher than that, that the lord has the right to question the right claimed by the public; and if the lord freely abandons that right, I think it would be a very handsome concession, even assuming that the public are able to establish a *primâ facie* claim to exercise such rights.

1724. Do you think that that could be done in any other way than by an Act of Parliament?—It might be done by voluntary dedication. The lord could not get police regulations and other matters that might be desirable; but he might vest all his rights in trustees upon trust for such purposes as were proposed by the Bill.

1725. Is there any necessity for vesting such rights in trustees; would not a simple renunciation of all claims suffice?—I think not.

1726. Why?—That is, after all, a mere matter of conveyancing.

1727. If A. B., of Wimbledon says, "I am as much entitled to this common as your Lordship;" the lord of the manor might say, "No, you are not; I claim the right to exclude you from this common;" by what process would you have his Lordship renounce his claim?—I think that in all cases it would be better done by Act of Parliament.

1728. Then you would not be content to rely upon the title obtained by user?—Certainly not.

1728. Supposing that his Lordship attempted to inclose without an Act of Parliament, what would be the remedy of A. B. against that?—My answer would depend upon whether you assume A. B. to be a copyholder or one of the public.

1730. I am assuming that he is a man who can assert that he has had the free use of the common for the last 60 years without let or hindrance?—He might pull down the inclosure, and then it would be for the lord of the manor to assert his right by an action of trespass; but I think that that would be an inconvenient mode of asserting the right of the public; it seems to me that the right of the public should be settled by Act of Parliament.

1731. Mr. Alderman *Rose.*] I understand the lord's right to be those of depasturing, digging gravel, and cutting turf?—We have recently had rights asserted by Lord Spencer which go to a considerable extent.

1732. Do you recognise any other rights than the three that I have named?—I do not recognise what has not been proved; Lord Spencer has asserted rights before this Committee, which before this Committee sat I never heard of.

1733. In the Bill he proposes to retain those three rights?—By the original Bill, Lord Spencer proposed to retain the pasturage, the right of digging gravel, and of cutting turf.

1734. Is that altered?—That has been altered. Before this Committee sat, Lord Spencer proposed that the right of pasturage should be vested in trustees.

1735. I want to arrive at what Lord Spencer is giving up by the scheme which he proposes.

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Supposing the common to be inclosed and drained, in order to pay the expense of the inclosure, would not that very much improve the pasturage?—He does not propose that the pasturage should be reserved for his own personal benefit.

1736. Would the inhabitants get it?—It would be for the benefit of the public; that is to say, any surplus income would be invested, to be applied for the future improvement of the common. Lord Spencer personally derives no advantage from it under the amended scheme.

1737. What is Lord Spencer giving to the public?—He would be giving up to the public the whole of his rights.

1738. Whatever his interest may be, does he retain the right of feeding?—No; the right of feeding is to be vested in trustees, for the purpose of partially defraying the expenses of management.

1739. That would go in diminution of the sale of land?—Yes; it would render the sale of land, to that extent, unnecessary.

1740. Has there been any attempt on the part of Lord Spencer or his agents to inclose any part of Wimbledon Common?—There was an attempt made, I do not know whether by Lord Spencer, to sell a small part of the land adjoining Mr. Drax's land, near Cæsar's Camp.

1741. What was the result?—I understood that an action was brought for the purpose of trying the right; that the sale was abandoned, and the inclosure thrown down.

1742. Was that thrown down by the inhabitants?—No; by Mr. Drax's order.

1743. By some orders other than those of Lord Spencer?—Yes.

1744. It was put up, was it not, by Lord Spencer's agent?—It was put up, I understood, by the person who purchased the land of Lord Spencer.

1745. Lord Spencer sold the land, and then a wall was put up, and some one else pulled it down?—Lord Spencer sold the land, or his rights over it. I should add that I know nothing at all about it personally.

1746. Is not the right to dig gravel disputed?—I am not aware that Lord Spencer's right to dig gravel is disputed.

1747. Do not others claim the same right?—The parishes claim the right to dig gravel, as is stated in Lord Spencer's Bill.

1748. Does not Mr. Peek for one claim it?—Mr. Peek claims it, but in what capacity I am not able to say.

1749. You do not know under what terms and conditions?—No; I can only say as a matter of tradition. I may say, that some dispute in days gone by took place between a former lord of the manor and the Marryat family, from whom Mr. Peek derives his title, as to the rights of the Marryat family over the common, and that that led to some compromise.

1750. Mr. *Shaw Lefevre.*] Have you searched the rolls of the manor since you became a copyholder?—I have not.

1751. Do you know of any meeting of copyholders having been held for the purpose of ascertaining their rights?—No, I am not aware of any such meeting taking place.

1752. Have they not taken the advice of counsel upon their legal position?—I think that opinions have been taken.

1753. But after searching the rolls, with the view of ascertaining the customs of the manor?—No, I do not think that any one supposed, until the evidence was given here the other day, that there was any particular question that could arise from searching the court rolls. The customs were supposed to be sufficiently known.

1754. Since that evidence has been given, you are not aware of the court rolls having been searched?—There has been no time for the purpose.

1755. Have you any reason to suppose that your cottage is an ancient cottage, such as described by Mr. Forster?—No; nor should I think it material, because I cannot help thinking that it is the site of the cottage which confers the right of common, and that the existence of the mere bricks and mortar can be of no importance.

1756. Have you any reason to think that it is the site of an ancient cottage?—I have not investigated the history of my cottage, and therefore I cannot tell you; it is an old cottage, but I do not think it is so old as the time of Richard the First.

1757. Do you consider the draining of the common necessary?—I think it is very desirable.

1758. Have you communicated with the other freeholders and copyholders, with the view of ascertaining whether money would be raised for purposes of drainage?—Yes.

1759. Have you any reason to think that it would be forthcoming?—I have.

1760. Has any money been raised with a view of contesting the scheme proposed by Lord Spencer, before the Committee?—I believe so.

1761. To what amount?—I only know what has been stated before this Committee; 2,000 *l.* or 3,000 *l.* has been raised.

1762. Do you believe that, in the event of the sale of land being abandoned, that sum of money would be spent in the drainage of the common?—No doubt.

1763. With regard to the expenses of management, have you formed any idea as to how they might be provided?—No doubt they would be readily provided.

1764. In what way?—By a rate, or partly by a rate, and partly by subscribing to a capital fund.

1765. Has there been any meeting of the inhabitants upon the question?—A meeting was called, of which I gave evidence upon the last occasion.

1766. Was the opinion of that meeting strongly in favour of a rate?—It was quite unanimous.

1767. Was it proposed to rate only the freeholders and copyholders?—It was proposed that a district should be formed within a certain distance from the common, including therefore all persons resident within that district; the exact area was not very clearly defined; but it was proposed that the rate should be made upon all persons occupying houses above the rateable value of 30 *l.*, so that no rate should fall upon the poorer classes.

1768. Have you formed any opinion of what the expenses of management would be?—I should think that they ought not to exceed 300 *l.* a year; keeping, of course, the common in its wild state.

1769. Should you be content with the system of management proposed by Lord Spencer, or do you consider that the inhabitants should have the appointment of one of the trustees?—I think that there ought to be some local representation; I do not think that any one desires that there should be a predominating influence in the inhabitants.

bitants. I should suggest one trustee for each of the two parishes, and one for the commoners.

1770. That would give three local trustees?—There would be two on behalf of the lord of the manor.

1771. That would give the local interest a predominating influence?—There would be one trustee for each parish, one for the commoners, one would be appointed by the Crown, and one by the lord of the manor.

1772. Then there would be three out of five?—The public would then have three out of five, the lord being *ex officio* chairman.

1773. Would not the inhabitants be satisfied with one trustee appointed by the parishes and commoners, two being nominated by the Crown, and one by the lord of the manor?—I think that all these matters of detail might be readily settled, supposing the principle to be once adjusted.

1774. Viscount *Bury.*] With regard to the copyholders, have you formed any opinion as to how many there are?—I find it stated in a letter written by Mr. Gore, that the number appears to be 287, upon whom notices have been served.

1775. Are they copyholders exercising rights?—I assume that all those who have been served with notices are, but there are many others who claim rights, who have not been served.

1776. You only assume, you have no knowledge of the fact?—As a copyholder, of course I only know my own rights, or suppose I know them; I have no special means of knowledge.

1777. This committee, which I believe you represent in some sort, consists mainly of those who deem themselves to have rights upon the common, does it not?—The part of the committee that I represent in this matter, are those who adopted Lord Spencer's own suggestion at the first meeting that was appointed for the purpose of considering the scheme; Lord Spencer suggested a committee in these words: "I should be glad of any discussion which you would like to enter into on the subject to-day, and I would suggest, in order that you may form a better judgment as to what I propose, that a small committee of gentlemen here present should be here elected, in order to consider the Bill."

1778. At all events do you not consider that the opinion of that committee can only be valuable if they represent a person having rights on the common?—Lord Spencer in proposing the scheme proposed it as a public measure, and Lord Spencer, when he came down to Wimbledon for the purpose of explaining his scheme, stated that not merely persons claiming rights, but persons living in the neighbourhood of the common, would be most likely to form a correct judgment.

1779. Then I gather from your answers that this committee of which you speak has no other rights than as part of the public, and no other weight than as speaking for the public?—Clearly, as representing the interests of the public, and the interests of the inhabitants of Wimbledon, and the neighbourhood, which are identical.

1780. And in the interests of the public you consider that there should be three trustees, and one on behalf of the copyholders, and one on behalf of the lord?—I meant that no scheme would be satisfactory unless the interests of the public were represented. Lord Spencer's scheme was one by which he would for the time being have been practically protector and governor of the common, and the observations the committee made were simply these: that no scheme for the management of the common would work satisfactorily unless some persons elected by the inhabitants, or the public, and responsible to them were appointed to assist in the management.

1781. Does it not appear to you that any person criticising Lord Spencer's scheme with any effect, in order to do so, should be possessed of certain rights?—I do not think that was the object for which Lord Spencer invited criticism; Lord Spencer invited public criticism upon the Bill, at the end of the meeting, and he specially invited this committee to consider his scheme.

1782. I gather that the committee only represent the public, and therefore if the public have no rights, Lord Spencer would have a perfect right to do what he likes?—Lord Spencer has put forward this scheme, as I understand, on public grounds, and upon public grounds the inhabitants of Wimbledon feel grateful to him; when I ventured to suggest, at his invitation, that we should be much more grateful if he would alter his scheme in some particulars, Lord Spencer in reply to me, as a member of the committee, said this, after referring to the suggestions which had been made, "Though they do not entirely coincide with the suggestions made by you, they will to a great extent, I think, meet your objections. I am of opinion that the inclosure will be an advantage, and on that, and other points of my scheme, I should prefer leaving the decision in the hands of Parliament; I do not wish from personal motives to press the questions on which we differ, but I wish the public to have an opportunity to select the scheme which will best suit their interests." It is with that view that the committee was appointed, and in the interest of the public alone; if Lord Spencer says, "I do not intend to submit to public criticism," our mission is at an end; if he means to say he will dictate his own terms, that is what we have never understood.

1783. Have you any suggestions on the part of the public in order to make the scheme more clear, and which are not founded on any clearly defined rights?—Certainly, but I deprecate the notion of intending to assert our rights.

1784. As a lawyer, supposing for one moment, which I know you do not admit, that the assertion of Lord Spencer's rights, contained in Mr. Forster's evidence, were correct, Lord Spencer would have a right to inclose the whole common with the exception of a small part?—Assuming that the rights which Lord Spencer asserts are maintained, it would be so.

1785. Assuming that, I call your attention to question 1649, and the following question; those rights have been asserted, have they not?—Before this Committee, I understand they have been, but that was the first time I heard of them.

1786. Are you aware that those assertions were based upon the evidence of the Court Rolls?—It is so stated. Do not suppose for a moment that I am doubting the facts as stated by Mr. Forster.

1787. You gave very strong evidence against Lord Spencer's claim?—All I meant to state was this, that in the absence of any investigation before a proper court, it was impossible to assume that Lord Spencer's rights were anything more or less than he asserted, but I was not prepared to admit that Lord Spencer's rights were such as he asserts; I do not mean to say that he may not prove them; all I mean to say is that they have not been proved to my satisfaction.

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1788. They have been asserted on the one hand, and contradicted on the other?—They are contradicted to this extent, that they are not admitted. Evidence was given by Mr. Burrell, who had heard the evidence given by Mr. Forster, and who stated that he was not convinced by it, and was not prepared to admit the correctness of the opinions which had been given.

1789. Did you hear the Chairman state that that evidence was worthless, because the Court Rolls had not been produced?—I did not understand that.

1790. The evidence that has been given in favour of Lord Spencer's rights rests upon the Court Rolls?—I do not quite understand your Lordship with respect to what is supposed by Lord Spencer to be his right, and what is supposed by the tenants to be their rights. Lord Spencer asserts that they are bound by the Court Rolls; and on the contrary the inhabitants of Wimbledon do not admit that the Court Rolls are the only evidence of right, but that other rights may exist which are independent of the Court Rolls; therefore the court rolls do not prove that Lord Spencer possesses those rights which he asserts; but this was not considered to be the proper tribunal to investigate those rights.

1791. Have you examined the Court Rolls?—It has been impossible to examine them since they were referred to the other day.

1792. Then you are not in a position to contradict the evidence of Mr. Forster?—I do not pretend to contradict him, but at the same time it must not be supposed that I agree with him.

1793. Are you acquainted with the customs of this manor?—In no other way than as the customs are referred to as having existed many years ago, in Manning & Bray's History of Surrey, and Watkins on Copyholds.

1794. Not having seen the court rolls, they are only secondary evidence?—Clearly; I have only answered your Lordship's questions from that source.

1795. The evidence of the book of Watkins on Copyholds and Manning's History of Surrey are merely secondary evidence, in the same category as that of any legal gentleman who might give evidence before us?—Of course they are only popular means of information.

1796. You are of opinion, I think you said, that the best way of determining these rights is by Parliamentary enactment?—It would put an end to any question.

1797. Are you of opinion, as one of the public, that the public would be very materially benefited by this scheme of Lord Spencer's?—If I understand that Lord Spencer's scheme applies to Wimbledon Common as it is defined in Lord Spencer's Bill, and therefore includes the whole common, then I should say the public would unquestionably derive an advantage by the dedication by Lord Spencer of the whole of his common rights to the public. Your Lordship observes that in the outline of the scheme which I have in my hand, Lord Spencer refers to "the tract of open land known as Wimbledon Common, situate chiefly within the Manor of Wimbledon and the parishes of Wimbledon and Putney." Lord Spencer has referred in the Bill also to Wimbledon Common in general terms; and in the print of the scheme Lord Spencer has added this paragraph: "This common contains," and then this filled up in ink, "688 acres." Now there may be some misapprehension as to whether Lord Spencer means by that the whole common, or only the part which is coloured pink.

1798. That part which is coloured pink?—Then I venture to think it would not be the great benefit to the public which your Lordship supposes, if the effect were to give power to Lord Spencer to inclose the remainder of the common, which contains in the whole 1,000 acres, there being that number of acres over which, rightly or wrongly, I do not pretend to say which, the public has from time immemorial exercised the right or privilege of recreation and enjoyment.

1799. Have you heard or read the evidence of Mr. Wingrove Cooke?—I was not present when Mr. Cooke was examined, and I have not read his evidence thoroughly.

1800. Are you aware that, putting copyholders on one side, Mr. Wingrove Cooke expressed an opinion that the lord of the manor might inclose any part of the common which belonged to him provided he left sufficient for the recreation of the public?—Pardon me, I do not think Mr. Wingrove Cooke stated that; and if he did, I should object to his declaration of the law.

1801. I understand you to represent the public. Is it your opinion that, in the interests of the public, you could demand from Lord Spencer the non-inclosure of a larger space than 688 acres?—Yes, for this reason: Lord Spencer comes to Parliament, and asks on behalf of the public for Parliamentary facilities, therefore the public have a right to say on what terms they should give him those facilities, and in the interest of the public I should say, Do not give Lord Spencer Parliamentary facilities for the inclosure of such a large tract of land as Wimbledon Common, and therefore I should say in the interest of the public that it would not be desirable.

1802. If they could get more?—That is the question. It is a question of right, between Lord Spencer and the public. Without a special Act of Parliament, I must remind your Lordship that Lord Spencer cannot inclose.

1803. That was an assumption?—If Lord Spencer's rights are such as have been represented to this Committee, founded on the opinion of those gentlemen who advise him, Lord Spencer can do anything; but I am speaking of what Lord Spencer's rights were supposed to be at the time he introduced this Bill.

1804. Does this scheme of Lord Spencer's, in your opinion, give him powers which he did not possess before?—It is a question of fact and law which you ask me; and it is difficult to answer it. Your Lordship perhaps would say that Lord Spencer has rights founded on those opinions. I should say Lord Spencer has not any such rights as a matter of law.

1805. Speaking as one of the public, do you really personally object to the fence round the 688 acres?—Unquestionably.

1806. May I ask upon what ground you object to it?—I think the effect of a fence would be to destroy altogether the sense of freedom which one has in going over the common; it would have an inevitable tendency to destroy altogether the sensation which you have at the present moment in passing over the common, of its wildness and freedom; besides which, the effect would be to make the pasturage the primary source from which the common should be kept up, which would introduce the element of profit, and you would have the heather disappearing in favour of improved pasturage. If Lord Spencer's scheme

is to be what I understand it is proposed to be, a self-supporting scheme, it seems to me that the interest and enjoyment of the public will be made subservient to profit; and I believe that the public would very much prefer the unprofitable gorse and heather to the best pasture farm that could be desired.

1807. For the enjoyment of the public, do you think it would be necessary to drain this land?—Yes.

1808. Have you formed any estimate of the expense of such drainage?—I have seen it estimated by a very competent gentleman, Mr. Denton, who, if necessary, can be called; and I believe his estimate for draining the whole common thoroughly would be 2,500 *l.*

1809. Do you think that the expense of the drainage ought in equity to be borne by Lord Spencer, besides giving up all his rights?—Certainly not; we are perfectly willing to pay that expense.

1810. In what mode would you propose to Lord Spencer to pay that?—We should propose that the funds should be found (and I believe that suggestions have previously been made to Lord Spencer to the same effect) by subscription by the inhabitants of the neighbourhood; failing those subscriptions, Lord Spencer might take a power of sale, after giving sufficient time to raise the funds.

1811. If Lord Spencer abandoned his idea of a fence, would that altogether alter the feeling of the inhabitants of Wimbledon and Putney, and would they withdraw their objection altogether?—I am hardly prepared to say, on behalf of Wimbledon and Putney. I believe that, if there were an agreement by which the sale of any part of the common would be rendered unnecessary, the funds would be found easily.

1812. Then I gather from you that the difference between the Putney and Wimbledon people and Lord Spencer is the fence and the sale clauses?—If I understand your Lordship as admitting that my application of the term "Wimbledon Common" is the correct one, that would be so, but otherwise the effect might be that Lord Spencer might, by dedicating a part, acquire a Parliamentary power of sale over the whole of the remainder.

1813. In point of fact, if he gave up this inclosure, he would leave his rights just as they are now?—He would leave his rights in a certain sense exactly as they are now, assuming that the rights of the commoners, which I look upon as a great protection to the public, were retained, because the very fact of their being unascertained protects the public, if the public have not already acquired rights of recreation by user. The fact of the common being maintained in that condition, with undefined and undefinable common rights, has had the effect from time immemorial of preserving it as an open space.

1814. Then part of your objection to the scheme is the ascertainment of and compensation for the copyholders' rights?—If it would have the effect of giving Lord Spencer a title to sell and inclose.

1815. He would merely hand over to the public that part which he proposes to dedicate to them, free of all his rights, and you object to that?—No; I am not prepared to say that I object.

1816. We hear constantly of compromises which are to be offered, may I ask what compromise would the Wimbledon and Putney people be willing to make?—I should be prepared to answer that question if one of the gentlemen behind me would hand me a paper which has been prepared in concert with the gentlemen of Putney. The gentlemen of Putney have an interest which is somewhat different from that of the people of Wimbledon, because the effect of Lord Spencer's scheme would have been, as the gentlemen of Putney and Roehampton consider, to have sacrificed them for the benefit of the people of Wimbledon; therefore the part selected for sale being near the residents of Roehampton, there is a stronger opposition with regard to the sale powers from the people of Roehampton than the people of Wimbledon.

1817. Are you aware that Lord Spencer proposes to compensate the copyholders and the commoners' rights on that part of the common which is coloured pink, leaving the rest entirely untouched?—I think that is a little doubtful upon Lord Spencer's scheme, because the term "Wimbledon Common" is used in Lord Spencer's Bill as including the whole common. Lord Spencer's scheme, the outline of which we have, also uses the term "Wimbledon Common," and I should like it to be defined whether, by the term "Wimbledon Common" is meant that which is in the preamble of the Bill; whether it applied to the whole common, or only to the land coloured pink. I understand from your Lordship that the term "Wimbledon Common," as defined by Lord Spencer, means only the land coloured pink.

1818. Yes, and the green, and brown, and blue?—That would be the whole. The land which Lord Spencer proposes to dedicate to the public is the part coloured pink; and, as I understand, Lord Spencer proposes, for the purpose of effecting that object, to sell the other parts of the common coloured blue, green, and brown, in certain priorities; the first part which Lord Spencer proposes by his Bill to select being the land coloured blue, the next brown, and the third green; and we understood that the sale was proposed only for the purpose of raising the expenses; we are proposing that those expenses should be found by other means; and then we ask, that being the case, inasmuch as Lord Spencer was supposed to be making this proposal for a public purpose, and this proposed sale was only for the purpose of enabling him to dedicate to the public the land coloured pink, that then Lord Spencer should extend the boundary and dedicate the whole of the common to the public, including of course this part coloured white, and this Wimbledon green, to which a great deal of reference has been made; and, that being so, our proposal is, that Lord Spencer should do that which he intended to do, and effect a very great public benefit without any injury to himself; and, inasmuch as his proposal with respect to the fence, and his proposal with respect to the sale, was merely for the purpose of raising the money, and no other purpose, as we understood, if the funds are found by other means, there is no reason why Lord Spencer should desire to reserve for any purpose whatever, except for the enjoyment of the public, any single acre of the common. We may have misunderstood Lord Spencer, but the scheme was communicated very clearly in a letter which Lord Spencer was good enough to direct Mr. Forster to write to me, of which I will read a paragraph. "The sale monies, as you are aware, go to meet the

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original outlay for compensation and formation of the park." What, therefore, the Putney and Wimbledon people propose is, that no part of the common should be sold, and the funds being found from other sources, I see no reason why the whole of Lord Spencer's rights in the whole of the common should not be dedicated to the public, for the purpose of effecting that great public object which Lord Spencer has in view.

1819. Will you tell me, on the part of the people of Wimbledon, what compromise they would accept. Lord Spencer's scheme is, as has been said, to dedicate to the public the part marked pink, to clear that part of existing common rights and other rights which now exist upon it by means of the sale of those three other portions, leaving every part which is not sold in exactly the same position as it is now, with all its common rights upon it, and with Lord Spencer's undefined rights upon it as they exist at present. That is Lord Spencer's scheme. Now, will you be kind enough to tell me what modification of that scheme the Wimbledon and Putney people, speaking as you say on behalf of the public, would be willing to accept?—No part of the common should be inclosed;—I am using the word "common" now in its most extensive sense, as including the whole of the tract of land which has been hitherto called Wimbledon Common, and includes part in the parish of Putney and part in the parish of Wimbledon. No part of the common to be inclosed, but the whole of it (including Wimbledon Green and Putney Heath) to be dedicated for ever to the public as an open space to be used for the purpose of exercise and recreation (subject to the existing rights of the commoners, which are to be preserved intact), except two acres, which are reserved for Earl Spencer for the purposes mentioned in Clause 24 of his Bill, and are to be discharged from the rights of common. There would be no objection, I think, to extend that quantity a little. The common to be drained and improved so far only as required for the purposes of unrestricted exercise and recreation, and a sufficient number of common keepers (not exceeding four) to be appointed; and if considered desirable, two common keepers' cottages to be erected, one at Tibbit's Corner, one near Beverly Brook. The expense of such limited drainage and improvement as aforesaid, and of the cottages if built, and the expenses incurred by Lord Spencer in promoting the Act, to be defrayed by sale of sufficient part of the portions of the common coloured blue, brown and green on the plan, resort being had to the lands in the parishes of Wimbledon and Putney rateably, and with reference to the amount contributed from each parish. Contributions from other sources to be considered as contributed in equal parts by each parish; but no land shall be sold or advertised, or marked out for sale, before the end of the Session of 1867. And the powers of sale shall not be exerciseable at all, if before the end of the Session of 1867 a sum of 5,000 *l.* is provided and paid to the trustees of the Act, to be applied in payment of the expenses of the limited drainage, improvement, and cottages, and the other expenses; nevertheless, unless a permanent annual income of 300 *l.* at the least is provided by rating powers being obtained from Parliament, or by other sufficient means, to meet the current expenses of the trustees in maintaining and protecting the common, the trustees may, if they think fit, at any time after the close of the Session 1867, exercise the said powers of sale for the purpose of raising a principal sum sufficient to produce the annual income aforesaid, or the amount thereof not otherwise provided. The value of Lord Spencer's rights to dig gravel on the common is proposed to be commuted into an annual sum, to be fixed by a reference to the net value of the gravel sold annually, on an average of the last 20 years, and to be paid out of the proceeds of the gravel pits. The working of the gravel pits to be limited to particular parts of the common to be indicated on the plan, and to be restricted so as not materially to interfere with or abridge the rights of exercise and recreation to be conferred on the public by the Bill. A body of trustees to be constituted in whom and their successors the fee of the common shall be vested (subject to the common rights), and who are to be responsible for the maintenance, preservation and protection of the common. The trustees shall be five in number (three to be a quorum) and to be appointed triennially, one by the lord of the manor, one by the Crown, one by the commoners, one by the vestry of the parish of Wimbledon, and one by the vestry of the parish of Putney. Provision shall be made for the periodical change of the last-mentioned three trustees in a system of rotation. The trustees shall fill vacancies in their own body occurring between the periods of election. In the event of rating powers being obtained by Act of Parliament, the ratepayers under such Act shall have the power of appointing the trustees in lieu of the said vestries. The lord of the manor, if a trustee, to be chairman *ex officio*. The trustees to keep in repair the drains and to preserve the turf, the gorse and brushwood; the object of this scheme being to preserve the present wild appearance of the common. The trustees to frame bye-laws for the regulation of the common, for removing and preventing nuisances, and punishing offenders, and generally for watching over and protecting the interests of the public in the enjoyment of the common; the bye-laws to be subject to the approval and sanction of one of Her Majesty's Principal Secretaries of State. The trustees to be empowered to grant the temporary and exclusive use of the common, or of any part thereof, to the National Rifle Association, for holding its meeting for periods not exceeding in the whole four weeks in any one year. Also to work or let the gravel pits (subject to the restrictions hereinbefore mentioned) so far as may be necessary for payment of the annual sum payable to the lord of the manor in lieu of his interest in the gravel.

1820. Mr. *Cox.*] What is the difference between that and the amended scheme of Lord Spencer?—There is a considerable difference in removing apparently what appears to have been a misapprehension with respect to what "Wimbledon Common" meant.

1821. Viscount *Bury.*] That proposal contains what you believe to be the views of the Wimbledon and Putney people?—Yes.

1822. In the sale clause you have accepted the plots of land put down for sale in Lord Spencer's scheme, if anything is to be sold?—We have taken that because it would be impossible to change Lord Spencer's scheme at the present moment.

1823. Are you aware that, in a letter of 14th December 1864, addressed to the Earl of Leven and Melville, Lord Spencer writes: "I selected the

the land referred to in the memorials as part of the common, that it might be necessary to sell, believing that it would be less missed by the inhabitants of the neighbourhood than other portions of the heath. I am still willing to substitute any other land for it which can be inclosed with less inconvenience, provided what is substituted is likely to be of equal value, and sufficient to raise the money required for the Act"?—I was not aware of that letter until your Lordship referred to it.

1824. Had you been aware of that letter, would you have modified the terms of the compromise proposed by you?—I do not think that it would have made any material variation, because the principle of the compromise is against any sale whatever.

1825. In the sale clause there is no objection to schedule the blue, green, and brown?—I understand not. That proposal has been settled with the concurrence of the gentlemen of Roehampton; and they are merely putting the brown and green, whilst the Wimbledon people are putting the blue, in the position of being sold, unless redeemed. There is a strong feeling that the land would be redeemed immediately, and therefore it is a matter of but little importance; money would be found to prevent the sale. I do not think that it would be possible at the present moment to vary the scheme in that respect.

1826. *Chairman.*] How many assenting copyholders do you say there are?—From information furnished by Mr. Gore, I think I found that there were 93.

1827. How many copyholders do you say there are altogether?—Two hundred and eighty-seven; 93 appear to have assented; 20 to have dissented; 48 are neuter; and from 126 no answers were received.

1828. When were those assents and dissents received?—They must have been given in before 15th November, I think.

1829. Were they sent in formally?—I believe so.

1830. Have you seen the names of the assenting copyholders?—I have a list of them.

1831. Have you ascertained at what distance from the common the persons bearing those names reside?—It does not appear from the list I have in my hand.

1832. You have not turned your attention to that?—I have not; from another list I see that they live in all sorts of places.

1833. Was it in the first instance suggested, that the committee that Lord Spencer spoke of, should be confined to copyholders. Did Lord Spencer himself read a list containing the names of gentlemen not copyholders, saying, that he wished to have the opinion of the neighbourhood?—I am reading from the shorthand notes of the meeting at which I had not the good fortune to be present until near the close. I understood that Lord Spencer's object was to take the opinion of the gentlemen of the neighbourhood, and not merely that of the copyholders. Mr. Forster, I observe, said, "It occurred to his Lordship to be a proper thing to consult some of the residents and owners of property in the neighbourhood, who were not copyholders."

1834. Mr. *Shaw Lefevre.*] In the scheme that you propose, you suggest that the average of 20 years should be taken in fixing the compensation payable to Lord Spencer?—Yes.

1835. Do you think that that would be fair, considering the great increase in the value of land within the last few years?—It was thought that during the last eight or 10 years Lord Spencer's rights of digging had been exercised to a very great extent, and that the building is not likely to continue as it has done within the last 10 years; and that therefore it would be a fair average to take in some of the preceding years.

1836. Do you think that the rights of digging gravel have been carried beyond their legitimate extent?—I do not suggest that; but I believe they have been carried further than they would be in perpetuity, and that therefore if you commute those rights into a rent-charge you should take in a longer period than 10 years. Such an enormous increase has taken place in building at Wimbledon that when I first went there there were only 1,000 inhabitants, whilst now there are 5,000.

1837. Is there any extent of gravel yet unworked?—There must be; but I am not capable of giving information upon that point.

1838. Mr. *Kinnaird.*] Are you aware of the extent to which the common is disfigured and injured by depôts of manure and every kind of rubbish?—I am.

1839. By what authority is that put upon the common?—I should hope by no authority at all. I cannot help thinking that it must be done by the owners, or rather by the gardeners, one of whom I saw this morning, wheeling out from one of the neighbouring residences the refuse of the garden.

1840. Does not the common keeper prevent it?—I am afraid he has not done so.

1841. It is a great nuisance, is it not?—It is.

1842. And a growing nuisance?—Unquestionably.

1843. The common keeper would have the power of stopping that?—He has the power now if he chooses to exercise it. If people were told that they should not do it, I dare say they would not. It is done, perhaps, incautiously.

1844. Mr. Alderman *Rose.*] Do you happen to know anything about the inclosures of Wandsworth Common?—Nothing.

LIST OF APPENDIX.

Appendix, No. 1.

Paper handed in by Mr. Ridley:

List of Parishes, the whole or large parts of which fall within a circle of 15 miles radius from St. Paul's, with the estimated Quantity of Common or Waste Lands in each Parish, so far as can be made out from the Tithe Commutation Papers, p. 79

Appendix, No. 2.

Paper handed in by Mr. George Wingrove Cooke:

Inclosures within 15 miles of London - - - - - - - - p. 81

Appendix, No. 3.

Papers handed in by the Right Hon. Earl Spencer, 23 March 1865:

Memorial of Ratepayers and Inhabitants of Putney, in the County of Surrey, p. 82

Resolutions passed at a Meeting of the Inhabitants of Putney, on 15th February 1860 - - - - - - - - - - - - - - p. 82

Appendix, No. 4.

Paper handed in by Mr. W. Williams:

Petition of Owners, Lessees, or Occupiers of Property in the Parishes of Wimbledon, Putney, and Wandsworth - - - - - - - - - p. 83

APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *Ridley*.

LIST of PARISHES, the whole or large parts of which fall within a Circle of 15 Miles Radius from St. Paul's, with the Estimated Quantity of COMMON or WASTE LANDS in each PARISH, so far as can be made out from the Tithe Commutation Papers.

Parishes of which very small portions fall within the radius are excluded. Town parishes also are excluded.

Note.—No information in the Tithe Commission Office as regards Common or Waste in the Parishes marked "Tithes commuted under Private Act."

PARISH.	Number of Acres.		PARISH.	Number of Acres.	
ESSEX:			KENT:		
Aveley	17	Including sites of houses.	Beckenham	89	
Barking	1,428		Bexley	170	Roads included.
Chigwell	700		Bromley	Nil.	
Chingford	350		Charlton	Nil.	
Dagenham, except Forest Lands.	25		Chelsfield	Nil.	
Epping	534		Chiselhurst	133	
Ham, East	Nil.		Crayford	Nil.	
Ham, West	Nil.		Cray, North	5	
Havering-atte-Bower and part of Romford.	Nil.		Cray, St. Mary's	Nil.	
Hornchurch and part of Romford.	105	Including roads.	Cray, St. Paul's	46	
Ilford, Little	39		Cudham	180	Roads included.
Lambourne	24		Dartford	329	
Leyton	360		Deptford	Nil.	
Loughton	1,309	Part forest.	Down	Nil.	
Plaistow	Nil.		Eltham	11	
Rainham	Nil.		Erith	124	
Stapleford Abbots	Nil.		Farnborough	61	Roads included.
Theydon Bois	363		Foots Cray (detached)	Nil.	
Theydon Gernon	100		Greenwich	96	
Waltham, Great	389	Including roads.	Hayes	200	
Walthamstow	501		Keston	72	
Wanstead	667		Kidbrook	26	Roads included.
Wennington	Nil.		Lee	Nil.	
Woodford	396		Lewisham	157	
	7,307		Orpington	44	Including roads.
HERTFORD:			Plumstead	Nil.	
Aldenham	Nil.		Sutton-at-Hone	51	Including roads.
Barnet, East, cum-Chipping Barnet.	70	Roads included.	Wickham Breaux	Nil.	
Bushey	267		Wickham, East	4	
Cheshunt	268		Wilmington	10	
Elstree	—	Tithes commuted under Private Act.	Woolwich	24	
Northaw	3			1,796	
Ridge	139				
Shenley	119				
Totteridge	39				
	905				

PARISH.	Number of Acres.	——
MIDDLESEX:		
Acton	85	
Bedfont	52	
Brentford, New	Nil.	
Chelsea	Nil.	
Chiswick	36	
Cranford	Nil.	
Ealing	57	
Edgware	58	
Edmonton	—	Tithes commuted under Private Act.
Enfield	—	- Ditto.
Feltham	—	- Ditto.
Finchley	58	Including roads.
Fryern Barnet	20	- Ditto.
Fulham	Nil.	
Greenford, Great	Nil.	
Hackney	Nil.	
Hammersmith	325	Including roads and water.
Hampstead	533	
Hampton	Nil.	
Hanwell	Nil.	
Hanworth	—	Tithes commuted under Private Act.
Harlington	Nil.	
Harrow-on-the-Hill	—	- Ditto.
Hayes	—	- Ditto.
Hendon	216	Including roads.
Heston	—	Tithes commuted under Private Act.
Hillingdon	—	- Ditto.
Hornsey	Nil.	
Ickenham	Nil.	
Isleworth	Nil.	
Islington, St. Mary	Nil.	
Kensington	Nil.	
Kingsbury	Nil.	
Mimms, South	117	Including roads.
Monken Hadley	181	
Northolt	Nil.	
Paddington	Nil.	
Pinner	—	Private Act.
Perivale	34	
Ruislip	—	- Ditto.
Stanmore, Great	165	Including roads.
Stanmore, Little	Nil.	
Teddington	—	Private Act.
Tottenham	90	
Twickenham	Nil.	
Twyford	Nil.	
Willesdon	—	- Ditto.
	2,027	

PARISH.	Number of Acres.	——
SURREY:		
Addington	765	But stated to be p vate property.
Banstead	1,375	
Barnes	176	
Battersea	390	
Beddington and Wallington	98	
Camberwell, St. Giles	55	
Carshalton	4	
Cheam	Nil.	
Chelsham	—	*See* Warlingham.
Chessington	Nil.	
Clapham	190	
Coulsdon	298	
Croydon	232	Including roads.
Cuddington	656	
Ditton, Long	40	
Epsom	971	
Ewell	Nil.	
Kingswood Liberty		
Farley	38	
Ham	216	
Kew	57	Including roads a water.
Kingston	Nil.	
Lambeth	Nil.	
Malden	23	
Merton	Nil.	
Mitcham	566	
Morden	83	
Mortlake	150	
Moulsey, East	—	No information. Tit dealt with under I
Moulsey, West	—	vate Act of Par ment.
Petersham	20	
Putney	45	
Richmond	70	Including water.
Sanderstead	11	
Sutton	Nil.	
Thames Ditton	315	
Tooting Graveney	58	
Wandsworth, All Saints	201	
Warlingham cum-Chelsham	479	
Wimbledon	628	
Woodmanston or Woodmansterne.	91	
	8,301	

SUMMARY.

	Total Acres.
County of Essex	7,307
„ Hertford	905
„ Kent	1,796
„ Middlesex	2,027
„ Surrey	8,301
	20,336

Appendix, No. 2.

PAPER handed in by Mr. *George Wingrove Cooke.*

Inclosures within 15 Miles of London.

Since the passing of the General Inclosure Act, in 1845, 1,562 acres of land, within 15 miles of London, have been inclosed under the General Inclosure Acts. Only 112 acres, however, of this extent were waste lands, the remainder being subject to certain limited and well-defined rights.

There are also five Inclosures, comprising altogether 1,651 acres of land, within the above distance, now proceeding; but, in each of these cases, allotments for recreation, or for the labouring poor, have been insisted upon.

The following are the particulars of the above-mentioned Inclosures:—

Number of Miles from London.	Inclosure.	Parish.	County.	Extent.	Award Confirmed.	Allotment for Recreation.	Allotment for Labouring Poor.
	Inclosures completed since 1845:			*Acres.*			
6	Walthamstow	Walthamstow	Essex	207	4 April - 1850		
12	Upshire	Waltham, Holy Cross	ditto	76	28 January - 1864		
8	Edgware	Edgware	Middlesex	58	4 May - 1854		
11	Carshalton	Carshalton and Beddington.	Surrey	1,146	10 March - 1853		
5	Barnes	Barnes	ditto	21	23 October - 1856		
13	Benhill Wood	Sutton	ditto	54	28 May - 1857		
				1,562			
	Inclosures now proceeding:					*A. r. p.*	*A. r. p.*
10	Chigwell	Chigwell	Essex	600	50 0 0	4 0 0	
7	Barking	Barking and Dagenham	ditto	528	5 0 0	5 0 0	
12	Dagenham	Dagenham	ditto	42	2 0 0	2 0 0	
12	Stapleford Abbots, Lambourne, and Dagenham.	Stapleford Abbots, Lambourne, and Dagenham.	ditto	191	- -	2 0 0	
*15	Warlingham	Warlingham	Surrey	290	4 0 0	—	
				1,651			
		Inclosures completed		1,562			
				3,213			

* Only a small portion of this is within the 15 miles.

There are no means of ascertaining with any great accuracy the extent of waste land within 15 miles of London which might be the subject of inclosure.

From a Return laid before Parliament in 1843 (Parliamentary Paper of Session 1843, No. 325), it appears that there were at that time in the County of—

Essex	17,446	acres of Common or Waste Lands,	not held in severalty.
Middlesex	1,321	„ ditto	ditto.
Surrey	42,409	„ ditto	ditto.
Herts	6,417	„ ditto	ditto.
Kent	10,668	„ ditto	ditto.

This Return does not include Common Field Lands, viz., those which are held in severalty, subject to certain rights, limited by numbers or time.

Inclosure Office, March 1865.

App. No. 3.

Appendix, No. 3.

PAPERS handed in by the Right Hon. Earl *Spencer*, 23 March 1865.

MEMORIAL of Ratepayers and Inhabitants of *Putney*, in the County of *Surrey*.

To the Metropolitan Board of Works.

The MEMORIAL of the undersigned Ratepayers and Inhabitants of Putney, in the County of Surrey.

Showeth,

1. That this parish is included in Schedule B. of the Metropolis Local Management Act, and forms part of the Wandsworth District.

2. There are two open commons within this parish, containing a limited number of acres, belonging to the lord of the manor of Wimbledon, over which the public are allowed to walk, and which are much conducive to the health of the inhabitants as affording open spaces for recreation.

3. For the last two or three years past your memorialists have viewed with alarm the increase of gipsies, tramps, hawkers and others, upon these commons, who reside in caravans, tents, and carts there, and defy all decency and order.

4. There is no existing law, which your memorialists are aware of, and which brings such persons not occupying ordinary places of abode under the ordinary sanitary regulations contemplated by the Metropolis Local Management Act and the Nuisances Removal Act; and hence virulent diseases are frequently introduced, spreading epidemic amongst themselves and the inhabitants of this parish to whom they seek to sell wares, and from whom they purchase goods.

5. The small-pox has recently been so introduced in the parish of Putney, and the most earnest solicitation of the able medical officer of Putney has not been of any avail in inducing the parents of these tramps to allow their children to be vaccinated.

6. Depredations of the most vexatious description are being continually committed by these tramps, particularly amongst the market-gardeners, whose garden hedges they destroy for fire-wood, and at night their cattle stray into the gardens through the breaches so made. *Note.*—There is no proof that they are driven in, that we know of.

7. On the Lower Common, their favourite place of encampment is near the entrance and along the sides of the chapel and cemetery, a consecrated place formed and constructed by the parish at a cost of several thousand pounds, where language the most foul and disgusting is uttered, the most profligate vice openly committed, and fights and other lawless pursuits are encountered; and it was only a day or two ago, that whilst a funeral was being performed, these gipsy boys and others mounting on their vans, were jeering and annoying the clergymen during the ceremony; and such is the present state of the premises that the inhabitants of this parish are debarred from the enjoyment of these commons for the purposes of recreation and health.

Your memorialists therefore pray your honourable Board that on any future application for any Act to amend the provisions of the Metropolis Local Management Act, that your Board will introduce into the Bill and support a clause to remedy the evil of which your memorialists have such reason to complain.

NAME.	ADDRESS.	QUALIFICATION.

RESOLUTIONS passed at a Meeting of the Inhabitants of *Putney*, on 15th February 1860.

AT a General Meeting of the Inhabitants held this 15th February 1860:

PRESENT:

W. Drummond, Esq.	Mr. Bemish.
Mr. Whiteman.	Mr. Watlin.
Mr. Waller.	A. F. Jackson, Esq.
Mr. W. Aviss.	Mr. Lobjoit.
Mr. Reed.	Mr. Harrison.
Mr. J. Stewart.	Mr. Adam Walker.
The Hon. Mr. Wrottesley.	Mr. Minchin.
	Mr. Lacey.

The Hon. Mr. Wrottesley was voted in the Chair.

The Hon. Mr. Wrottesley opened the proceedings by explaining the nuisance occasioned by the gipsies on the lower common.

Mr. Whiteman explained that the meeting originated from a complaint made by Walter Drummond, Esq. to Rev. C. T. Robinson, and that the principal nuisance was that the small-pox was amongst them, and they refused to have vaccination introduced.

Mr. Lobjoit further explained what bad effects the nuisance had upon the public morals, and that their donkeys were turned out upon private grounds in the night to the great damage of the occupiers.

Mr.

Mr. Francis, the common keeper, also explained the pains he had taken to stop the nuisance, which services the meeting acknowledged in kindly terms.

Resolved, That the inhabitants feel themselves indebted to Mr. Francis for the zeal and perseverance displayed in his attempts to remove gipsies on Putney Commons, and that a representation be made to the Right Hon. the Earl of Spencer, calling his attention to the very great nuisance occasioned by the locating of gipsies and tramps on the upper and lower commons, and to the injurious consequences that may arise therefrom by the spread of small-pox and other virulent diseases which are frequently raging among them.

That a Committee of three or more inhabitant ratepayers be appointed to wait upon Lord Spencer for the purpose of suggesting some method for this increasing evil, and to beg his Lordship to render his assistance in the above work. App. No. 3.

Resolved, That the following gentlemen be hereby appointed such Committee:—

The Hon. Mr. Wrottesley.	W. Drummond, Esq.
H. H. Dodgson, Esq.	Mr. W. Aviss.
R. H. Whiteman, Esq.	Mr. Bemish.
Mr. Lobjoit.	Mr. Stewart.

Resolved, That copies of the above Resolutions be sent to the Earl of Spencer and Henry Goodford, Esq.

Appendix, No. 4. App. No. 4.

PAPER handed in by Mr. *W. Williams.*

PETITION of Owners, Lessees or Occupiers of Property in the Parishes of *Wimbledon*, *Putney* and *Wandsworth.*

In the House of Commons.—Session 1865.

WIMBLEDON COMMON.

Petition against, on merits, praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble PETITION of the undersigned persons on behalf of themselves and others, being owners, lessees or occupiers of property in the parishes of Wimbledon, Putney, and Wandsworth:

Sheweth,

THAT a Bill is now pending in your Honourable House, intituled, "A Bill for the Protection and Improvement of Wimbledon Common, and the appropriation of a portion thereof as a Park or Place for the enjoyment or recreation of the Inhabitants of the parish of Wimbledon and adjoining Parishes, and of the Public at large, and for other Purposes."

That certain of your petitioners are copyholders in the Manor of Wimbledon; that certain others of your petitioners are freeholders in the parishes of Wimbledon, Putney, and Wandsworth, and have commonable rights in Wimbledon Common of taking gravel, of depasturing beasts, of turbary and otherwise; and all your petitioners are inhabitants of one or other of the said parishes, and are interested in the maintenance and use of the roads in and over Wimbledon Common, and your petitioners are therefore in some or all of the capacities aforesaid interested in the said Bill and affected by the provisions thereof, and your petitioners object to the said Bill upon the following among other grounds:—

That Wimbledon Common has hitherto been a large open space accessible to your petitioners and to the public, and one of the main advantages thereof has been that it may be used in all parts for the purposes of recreation; and, with the exception of the injury done it by the extravagant digging of gravel and cutting of turf within the last few years, the common affords throughout a healthy and picturesque place of resort.

That one of the main purposes of the said Bill is to inclose a very large portion of the common, and to convert the same into a park; and to lay out rides, drives, and walks into or through the park; and to make such entrances corresponding with the rides, drives, and walks as the protector shall see fit; and to make lakes or other ornamental works in the park, and otherwise improve the same; and, by the 5th clause of the said Bill, the park may, by the permission of the "Protector of the Park," and with the consent of the Secretary of State for the Home Department, be used for any purpose of practical public utility or interest, and be closed, and money be claimed for entrance therein.

Your petitioners object absolutely to the grant of any such powers, or to the inclosing of the common, or to the conversion of the same into a park, or to the closing of the same at the discretion of any individual, even with the concurrence of the Secretary of State, at any time or for any purpose, and to the claiming of money for entrance therein.

Your petitioners deny that any serious annoyance results from the resort of gipsies and other wanderers to Wimbledon Common, and they

App. No. 4.

they allege that due provision might be made for the protection of the common from any such annoyance without inclosing the same or altering the characteristic features thereof.

That many of your petitioners have for many years dwelt in the immediate neighbourhood of the common, and although they admit that it is at present unfit in its whole extent for pasturage, yet they deny that it is so ill-drained as to be injurious to health, and they deprecate the drainage suggested by the Bill as being in their opinion not only unnecessarily costly, but certain to dry the wells and the ornamental waters of a large number of houses in the immediate neighbourhood of the common.

That the right of taking gravel from the said common is not only claimed and exercised on behalf of the parish of Wimbledon and other parishes, but is claimed, and has for a great number of years been exercised without question or dispute by some of your petitioners, and is to them of far greater value than any pecuniary compensation which they can derive under the provisions of the Bill; beside which, your petitioners observe, that the 23d clause of the Bill is so vague and uncertain in its provisions as to render it doubtful whether your petitioners could establish any claim; and before what tribunal, and by what means. Whereas, on the other hand, all possible rights of the lord are confirmed and saved; and his right of compensation, and his means of enforcing that right are made manifest and unquestionable.

That it is recited in the preamble of the said Bill, that the lords of the manor have themselves derived a considerable income from the sale of gravel, stones, turves, bog, sand, and earth, and other materials from the said common; and, by the 16th clause of the said Bill it is provided, "That the protector of the park (who is, by the provisions of the Bill, the lord of the manor for the time being) shall be at liberty to sell all such gravel, stones, sand, turves, and bog earth, or soil, and other materials within or upon the park, and all produce of the soil of the park, as he shall see fit for his own benefit, as fully and extensively as he has heretofore done or been entitled to do."

Your petitioners allege that one of the greatest mischiefs to the common, and one of the greatest injuries to it, as a place of resort for themselves and the public, has been the exercise of the said right of digging gravel and sand, cutting turf and bog earth, and your petitioners allege that it would be unjust that the right of digging gravel and sand, and turf, and soil should be retained by the lord of the manor for his own benefit, not only over other parts of the common but in the proposed park itself (should it be sanctioned), whilst your petitioners are deprived of their rights and are excluded from the enjoyment of the common as heretofore under the pretext of the formation of the park.

That although it is true, as recited in the Preamble of the Bill, that the said common has been of late years, by permission of the lord of the manor, used by the National Rifle Association for their annual general meetings, and that on such occasions the said Association have excluded the public from that part of the common used by them, and have granted admission upon payment of a fixed sum by such person so admitted, yet your petitioners deny, and always have denied, that the lord of the manor had any right to inclose any part of the common, even for temporary purposes, as to grant permission to any persons to levy a payment for admission into the said inclosure; and certain of your petitioners, for the sake of vindicating their right to the use of the common, have insisted upon admission, and have been admitted, within the said inclosure without making any payment.

Your petitioners have hitherto consented to the temporary setting apart of a particular portion of the common for the purpose of the meetings of the National Rifle Association, but they deny that the said Bill is necessary, or even conducive to any such object, or that any such object affords even a pretext for the provisions of the Bill; and they protest against their acquiescence being made use of against them to deprive them of their rights.

Your petitioners deny that the provisions of the Bill are well calculated for the protection and improvement of the said common, or that it is necessary for those purposes that the bulk of the said common should be inclosed, or that the vast powers contained in the Bill should be granted to the lord of the manor as protector of the proposed park or otherwise. They submit, on the contrary, that any powers for the regulation of the common, which may be considered necessary, should be subject to control on the part of the inhabitants of Wimbledon, Putney and Wandsworth, the value of whose property, and the beneficial enjoyment of it, largely depend upon the condition of Wimbledon Common and the purposes to which the common is devoted.

That, so far as your petitioners can understand the provisions of the Bill, not only is every right now possessed by the lord of the manor over the common preserved to him by the Bill, but the necessary effect of executing the provisions of the Bill must be the improvement of the common for the benefit of the lord of the manor. Nor does the Bill contain any provisions to prevent the benefits so derived to the lord of the manor, and among them the power of inclosing parts of the park, and taking fees for the admission into the inclosure, from being alienated even to a joint stock company.

Your petitioners disclaim the wish to impute to the present lord of the manor any intention to convert the powers contained in the Bill to his own profit, but they are impressed with the fact that the land lying round Wimbledon Common heretofore belonging to the Earls of Spencer, who were lords of the manor, has been all sold by them at prices undoubtedly higher than it would have realised were it not for the proximity to Wimbledon Common; and that therefore the community of interests which usually subsists between the lord of the manor and commoners is wanting in this case, inasmuch as the common is a separate and distinct property, which may, if the great powers sought by the Bill are granted, be dealt with by the possessor thereof for the time being without the least regard to the interests of those persons who have heretofore paid, or whose predecessors have paid, large sums by way of purchase-money to the Earls of Spencer in the expectation of their enjoyment of Wimbledon Common.

Your Petitioners do not find in the said Bill any duty imposed upon the protector to maintain the proposed park.

Your Petitioners deny that the diversion of the roads proposed by the Bill is expedient, but on the contrary, they allege that the direction of the present roads has been dictated by public convenience,

venience, and that no public purpose is attained by the diversion thereof, whilst the convenience of your petitioners and of other inhabitants in the neighbourhood of the common will be materially impaired.

That the expense of executing the powers of the Bill is to be defrayed by the sale of certain portions of the common; and it is provided by the last clause of the Bill, that if the proceeds of such sale is not adequate to defray the said expenses, the compensation to the lord of the manor and to others entitled to compensation shall abate. Your petitioners object, not only to the needless and extravagant outlay proposed by the Bill, but also to the sale of the parts of the common for the purpose of meeting that outlay.

Your petitioners consider that the sale of any portion of the common is unnecessary and would be injurious to the public, and your petitioners regret that no attempt has been made on the part of the lord of the manor to raise any funds for the purposes of the Bill by public subscription or otherwise, although your petitioners believe that all necessary funds for the drainage or supervision of the common could be readily obtained if proper efforts were made to that end.

Finally, your petitioners humbly and confidently submit to your honourable House that the preservation of Wimbledon Common open and uninclosed is a matter of vast importance, not only to themselves but to the inhabitants of the Metropolis generally; that this object can be attained far more efficiently and at less cost than by the means suggested by the Bill; that the powers given by the Bill to the lord of the manor are unreasonable and are incompatible with the rights and interests of your petitioners, and with the due use of Wimbledon Common by the public; whilst the manorial rights reserved to the lord are also unreasonable, and will be destructive of the very purposes at which the Bill is supposed to aim.

Your petitioners believe that the object of preserving Wimbledon Common might be attained compatibly with the rights of the lords of the manor, and with the full concurrence of your petitioners and the other owners and occupiers of property in Wimbledon, Putney and Wandsworth, by a better concerted measure, even though such better concerted measure should involve some pecuniary charge upon the property of your petitioners and the said other owners and occupiers.

That the preamble of the said Bill, with respect to the matters aforesaid, is unfounded, and cannot be substantiated by evidence.

That there are several clauses and provisions in the said Bill prejudicially affecting the rights and interests of your petitioners, and no adequate provisions are contained in the said Bill for the protection of your petitioners and the public.

Your petitioners therefore humbly pray your Honourable House that they may be heard, themselves, and by their counsel, agents, and witnesses, in support of the allegations of this Petition against the Preamble of the said Bill, and also against such of the clauses and provisions of the Bill as affect the rights and interests of your petitioners, and in support of other clauses and provisions for their protection, and that the said Bill may not pass into a law as it now stands, or that your petitioners may have such other relief in the premises as to your Honourable House may seem meet.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

OPEN SPACES (METROPOLIS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1865.

[*Price* 1 *s.*]

178.

Under 12 *oz.*

SECOND

REPORT

FROM THE

REFORM CLUB
PALL MALL

SELECT COMMITTEE

ON

OPEN SPACES (METROPOLIS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1865.

Martis, 21° *die Februarii*, 1865.

Ordered, That a Select Committee be appointed to inquire into the best means of preserving for the public use the Forests, Commons, and Open Spaces in and around the Metropolis.

Veneris, 3° *die Martii*, 1865.

Ordered, That the Select Committee do consist of 21 Members.

Committee nominated of—

Mr. Doulton.
Mr. Cowper.
Viscount Bury.
Sir H. Willoughby.
Mr. Locke King.
Mr. Du Cane.
Mr. Henry Baillie.
Sir John Shelley.
Mr. John Tollemache.
Mr. Kinnaird.
Mr. Bentinck.
Mr. Peacocke.
Mr. Hanbury.
Mr. Vance.
Mr. Locke.
Mr. Lyall.
Mr. Buxton.
Mr. Torrens.
Mr. Shaw Lefevre.
Mr. Alderman Rose.
Mr. Cox.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Lunæ, 3° *die Aprilis*, 1865.

Ordered, That the Committee have power to report their Observations and Opinion from time to time, together with the Minutes of Evidence taken before them, to The House.

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PROCEEDINGS OF THE COMMITTEE - - - - - - - p. v
MINUTES OF EVIDENCE - - - - - - - - - - p. 1
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SECOND REPORT.

THE SELECT COMMITTEE appointed to inquire into the best means of preserving for the public use the FORESTS, COMMONS, and OPEN SPACES in and around the METROPOLIS:—HAVE made further progress in the matters to them referred, and have agreed to the following SECOND REPORT:

YOUR COMMITTEE have proceeded with the inquiry intrusted to them, having in view the Resolution of the House, "that it is the duty of Her Majesty's Go-"vernment to take steps for the preservation of the Commons and Open Spaces "in and near the Metropolis." They have had the advantage of the opinions of Mr. Wingrove Cooke and Mr. Ridley, Inclosure Commissioners; of the Honourable Charles Gore and the Honourable James Kenneth Howard, Commissioners of Her Majesty's Woods and Forests; Mr. Peter Erle, Chief Commissioner on the Charity Commission; Mr. Thwaites (now Sir John Thwaites), the Chairman, and Mr. Philip Hemery Le Breton, a member of the Metropolitan Board of Works, all of whom have been examined before them. They have also examined the Lords of several Manors and other witnesses interested in the Forests, Commons, and Open Spaces, the subject of their inquiry; and they have taken much general and local evidence, with a view of ascertaining as well the present rights affecting those spaces as of considering the course they should recommend the House to adopt in future legislation respecting them.

The first question your Committee had to determine was, the limit to which their inquiry should extend. The limit of 15 miles had been first suggested, but several important spaces being situate immediately outside that area, they judged it expedient to extend their inquiry to 22, and subsequently to 25 miles round London, measured from the General Post Office, according to the Ordnance Survey. Whilst, however, they have admitted evidence in respect of certain Open Spaces in this extended area, this was done in the first instance for the purpose of inquiry, and not to prejudge the question as to what might fairly be considered the proper limit of a Metropolitan area, beyond which these Open Spaces should be considered and treated more with reference to their agricultural capabilities than as directly affecting the interests of the inhabitants of the Metropolis as places of recreation. Possibly no exact circle of a definite radius can be drawn which may not appear to embrace too much in one direction or too little in another, and any area which may now be fixed may be found too small in some years' time; but, looking to the necessity of fixing some area, they are inclined to recommend that the district of 15 miles radius from the General Post Office, according to the Ordnance Survey (the limit prescribed by the General Inclosure Act of 1845) be adhered to for the present as the Metropolitan area, to which special legislation, with a view to the inhabitants of London, should, in the first instance, be directed. As the Metropolis extends, it will always be in the power of Parliament to extend this legislative area. In the case of a proposal to enclose any spaces beyond the prescribed area in which the Metropolis is interested, Parliament will have the opportunity of considering the requirements of that particular case, upon the Bill for its enclosure.

The evidence which your Committee have had before them has shown that there are special circumstances to be considered in every case, and that the rights of the Lords and Commoners, as well as the views of the inhabitants, vary materially in different localities, and will render some difference in their treatment necessary.

See, *inter alia*, Mr. Wingrove Cooke's evidence, 8. 17. 18. 162. 163.

sary. To prescribe a proper and sufficient scheme for each forest, common, or open space, would have extended their inquiry beyond all reasonable limits. Your Committee have confined themselves to the consideration of those principles which may be embodied in a general measure and serve as a guide to subsequent and more special legislation. This course is precisely that which has been adopted in the Inclosure Acts, in the legislation respecting Charities and Railways, and in many other analogous cases. At the time of the commencement of this inquiry a Bill was before the House for the regulation and improvement of Wimbledon Common. The Second Reading of that Bill was postponed to enable this Committee to inquire into the merits of that case, and certain schemes were submitted to them by the parties interested. They considered, however, that the details of those schemes would be more properly dealt with by the Select Committee to whom that particular Bill should be referred, and in making their First Report, which had special reference to Wimbledon, your Committee confined themselves to the statement of those general principles which, in their judgment, ought imperatively to be observed. They will have occasion, in a subsequent part of this Report, to refer to the reolutions at which they arrived in respect of Wimbledon Common, in illustration of the general recommendations which they have now to submit to the House.

The public of the Metropolis have used and enjoyed the open spaces in its neighbourhood to a very considerable and an always increasing extent. Mr. Le Breton stated, that "last Easter Sunday 50,000 persons came to Hampstead "Heath from all parts of the Metropolis." They have received the testimony of distinguished officers, both of the volunteer and militia services, that the existence of these bodies depends on their having ready and convenient access to their training grounds, and that the preservation of the commons adjoining the Metropolis is absolutely necessary to the maintenance of those corps in a state of discipline and efficiency.

Hampstead, 2102–4. 2207. 3191–8. 2341.

As to Epsom, it appeared that a large number of persons from London use the Common every Saturday and Sunday in the summer for recreation.

2622–4. 2656.

As to Blackheath, Peckham Rye, Clapham Common, Hackney Common, Hackney Downs, Wandsworth, Barnes, and other commons, similar evidence was given.

2816–8. 3231. 3590. 3679. 3802.

Many thousands of people resort to Epping Forest, especially on the Easter Monday, and on Sundays and holidays. Evidence was given of the presence of 200,000 persons on a Whit Monday.

5021–35. 5407.

And there is no open space within 15 miles of London, which can well be spared for the recreation of the inhabitants.

The rights of the public at large are vague and unsatisfactory, for while it is generally acknowledged that a right may exist to traverse any of these spaces at will in all directions, and that no action for trespass would lie for such traversing, and even "that a *servitus spatiandi* over open ground which has in some mea-"sure been devoted to public use, is also intelligible and known to the law," yet the legal authorities appear most unwilling to admit any general public right to exercise and recreation upon any of these spaces, although such right may from time immemorial have been enjoyed, contending that it must be limited to some certain defined body of persons, as the inhabitants of a particular parish, or the tenants of a particular manor. Mr. Joseph Burrell, an eminent real property lawyer, stated that in his opinion an allegation for the public at large of rights of roaming over a common, would be considered by the courts of law as too wide and indefinite to be supported; that such a custom might exist for the inhabitants of a ville or town adjoining a common; but that he doubted whether it would be a good custom at law, for so large a place as London. Other legal witnesses spoke more decidedly to the effect that, according to the doctrines prevailing in the courts of law, the public of London could not, in the present state of the law, acquire, without special legislation, rights of recreation and enjoyment in the open spaces the subject of our inquiry, although the inhabitants of villages and small towns may by usage acquire such rights in village greens and larger spaces, bearing no smaller proportion to their population than the open spaces round London to the population of the Metropolis.

1344. 1356.

23, 24. 2322–4.

The

The opinions so expressed (as to the soundness of which, however, your Committee give no opinion) have proceeded from judicial decisions of ancient date; and your Committee cannot help observing that, even if binding on legal tribunals, they appear to rest upon no very intelligible principle. Your Committee are at a loss to conceive why, upon general principles, a right of enjoyment which may be acquired by the inhabitants of a small hamlet should be denied to the inhabitants of the Metropolis, or even to the general public. They find, on the contrary, that the Legislature has recognised and acted on the existence of some such right; for by the General Inclosure Act of 1845, which empowered the Inclosure Commissioners to deal of their own authority with the cases of commons in general, it was provided (sect. 14) that no inclosure should take place, under the provisions of that Act, within 15 miles of the City of London, or within certain distances of towns of a specified magnitude, without the previous sanction of Parliament in each particular case (a provision manifestly grounded in a belief on the part of the Legislature of the existence of some rights possessed by the inhabitants of the Metropolis.) Inclosure Act, 1845. 62.

It may deserve consideration whether some declaratory law should not be passed to remedy what appears to us to be a somewhat narrow doctrine of the Courts, hardly in accordance with the general principles of the law having regard to the increased population of large towns in later times.

The policy which dictated the earlier legislation in respect to commons seems to have proceeded without regard to those particular interests of the public which we are now considering; but, nevertheless, there is nothing to show that that legislation proceeded upon other than grounds of general public advantage.

In early times the great extent of the commons and waste lands in England was regarded as prejudicial to the public, on whose behalf, it may be fairly assumed, that the Legislature acted in facilitating their inclosure, in order that agriculture might be promoted, and the whole country benefited by an increase in the produce of the land.

The statute 20 Henry 3, c. 4, commonly called the Statute of Merton, is the Act chiefly referred to as justifying the principle of inclosure. That Act is in favour of lords of manors, who are represented as complaining that they cannot make their profit of the residue of their great manors, although the commoners have sufficient pasture. The recital is as follows:—"Also because many "great men of England (which have infeoffed knights and their freeholders of "small tenements in their great manors) have complained that they cannot "make their profit of the residue of their manors as of wastes, woods, and pas-"tures, whereas the same feoffees have sufficient pasture, as much as belongeth "to their tenements." The Act provides as follows:—if it be certified by assize that the plaintiffs (the commoners) have sufficient pasture, with ingress and regress "let the other (the lords) make their profit of the residue, and go "quit of that assize;" that is the language of the enactment which has been quoted before us by several witnesses as authorising lords of manors to inclose at the present day. *See* Appendix.

Upon this statute it is to be remarked, in the first place, that the profit spoken of, judging both from the time when it was enacted and the context of the statute itself, must have meant agricultural profit. Of the intention of the statute, Mr. Justice Ashurst says: "It was not made merely for the benefit of "the lord, but of the public. If there be more than a sufficiency of common "the public ought not to be deprived of the advantages that may be made of "the wastes, for it was intended that they should be benefited by the increase "of culture." (3 Durnford and East, Term Reports, 447.)

The technical term for inclosure under the Statute of Merton is "approving" (or "improving") the waste.

In recent times also the benefit to be derived by the public from increased cultivation has been the motive of numerous Acts of Parliament which have been passed for the inclosure of commons.

The proceedings with regard to inclosure at the present day are regulated by the Inclosure Acts, a complete machinery for the purpose being vested

vested in the hands of the Inclosure Commissioners. The parties desiring an inclosure communicate with the Commissioners; the course then pursued is described by Mr. Wingrove Cooke, as follows: "We send down "for the information we require, and also a form of application to us, setting "forth all the circumstances connected with the rights and conditions of the "land to be inclosed, and the rights of parties. That comes up signed by a "third of the persons who are interested *primâ facie*, and we look at it to see "that it is properly signed; and if we think it to be so, we then send an As- "sistant Commissioner down, to hear objections and to investigate the matter "generally. A hearing is held after notice, and he makes his report upon all "the circumstances of the case; upon that, if we find the opposition is not "great, and if we find that there are advantages in an agricultural point of "view—because, I take it, we do not consider that it is for us to determine "whether upon public points of view it is right that they should be inclosed, "because they come before Parliament afterwards—if we find that it is right "in all the details, we make a provisional order; that provisional order goes "down to the parish and remains there for three weeks; it is then signed by "two-thirds of the interests, and then we register it and report to Par- "liament." 120.

It appears to your Committee that, even in agricultural districts, any attempt at inclosure of lands under the alleged authority of the Statute of Merton would be entirely inconsistent with the more comprehensive legislation of the present day. With agricultural districts they have no concern in their present inquiry; but with regard to commons near large towns, as these latter have rapidly increased in population, the necessity of providing open spaces for health and recreation has become paramount to the mere improvement of those lands in an agricultural sense; and seeing that the inevitable result of the inclosure by private individuals of lands in the populous suburbs of the Metropolis, would be not even agricultural improvement, but building, they have no hesitation in coming to the conclusion that it is time that the Statute of Merton should be repealed. It may be that, owing to the very enjoyment by the public of the commons in the neighbourhood of the Metropolis, those spaces have become unproductive as pastures, and that much evidence of the rights formerly exercised by the commoners has become lost. In such cases it might be fairly argued that the commoners, by their acquiescence in the public enjoyment, had virtually transferred their rights to the public, and it might not be unjust that the Legislature should sanction and confirm such transfer, rather than that the lord should reap the benefit of the lapse of the commoners' rights. In the case of Wimbledon Common it appeared that the common had of late years been little used as pasture, although the rights of the commoners there still exist. One cause was the destruction of the gates which were formerly placed across the roads leading from the common, and kept the cattle from straying. This abolition of gates so circumstanced is, however, an occurrence which must take place sooner or later in every case where a vast increase in the population and consequent traffic arises from the conversion of a previously rural district into a suburb of the Metropolis. It further appeared, in the case of Wimbledon, that the commoners had assented to being deprived of the use of the common during a portion of the year by the National Rifle Association, in consideration of the public importance of the objects of that association. In making their Report in reference to the case of Wimbledon Common, therefore, they thought it not out of place to recommend to the House that the Statute of Merton should be repealed, so as to prevent an injustice which might otherwise indirectly ensue to the commoners, owing to the very enjoyment on the part of the public of those open spaces. 1229. 1262-4.

The 30th section of the General Inclosure Act, 1845, provides that it shall be lawful for the Inclosure Commissioners to require, and in their provisional order to specify, as one of the terms and conditions of inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood, not exceeding a certain quantity specified by the Act, in proportion to the population of the parish in which the land to be inclosed is situate. This 30th section is explained by Mr. Wingrove Cooke to have reference to rural parishes, and the maximum provision made by it of 10 acres is manifestly inadequate to the wants of the Metropolis. It appears to your 72.

your Committee, however, that from this enactment two important principles may be deduced with reference to the present inquiry. (1.) That Parliament regards the granting facilities for inclosure as a boon to the parties, and consequently that in the public interest any terms may be imposed, or that the privilege may be entirely withheld; and (2.) That the inhabitants of the neighbourhood of commons are to be considered as having certain *primâ facie* rights of exercise and recreation over those spaces.

Mr. Burrell stated distinctly that he considered the granting of an Inclosure Act of Parliament, a boon which Parliament might justly refuse at discretion. 1339. 1342.

The long continuance of the practice of the inhabitants of London to resort to open spaces for recreation, and its decided tendency to promote their health and happiness, and to draw them away from pernicious amusements, appear to your Committee sufficient reasons, apart from the mere legal questions of the case, why the Legislature should decline to sanction any measures which may indirectly deprive the public of the advantages they have so long enjoyed, and the necessity for which is daily increasing.

Altered circumstances and increased population may well justify an extension of the law; and whereas formerly, in a comparatively thinly populated country, nothing was thought of but the advantage to be derived from increased culture, now in consequence of the rapid growth of towns, the public interest in keeping open such commons as exist near towns deserves the attention of the Legislature, no less than the purely agricultural interest of former times.

I. Your Committee therefore recommend:—

(1.) The Statute of Merton be repealed, as having fulfilled its purpose and been superseded by modern legislation, and as being especially ill adapted to commons and open spaces near the Metropolis.

(2.) That no inclosure shall take place under the provisions of the Inclosure Act within the metropolitan area.

Having, for the reasons already stated, arrived at the conclusion that no more inclosures should take place within the metropolitan area, Your Committee had next to consider what provisions were necessary with a view to their maintenance and preservation or their improvement; as to which various suggestions were made to your Committee.

It was suggested that they should be purchased and vested in trustees for the metropolitan public.

If the Legislature should adopt their recommendation not to authorise any further inclosures within the metropolitan area, they do not see the necessity for the immediate expenditure of so large a sum of public money as such purchase would require. They have already stated their reasons for thinking that the enjoyment which the public have hitherto had of these spaces may fairly be allowed to continue, and will continue, unless Parliament gives those facilities for inclosure which they consider cannot be claimed by lords of manors, or by commoners, as of right. The existence of those undefined rights are virtually the safeguard of the public in preventing inclosure. That being the case, they are unable to recommend a comprehensive scheme of purchase.

As to the rights of commoners they appear to them to have been and to be the great safeguard against inclosures, and not to have been detrimental to the public. For these reasons, in the case of the Wimbledom Common, your Committee reported in favour of their maintenance; and they recommend the same course with respect to the open spaces generally in the metropolitan area; and your Committee would recommend that some system of registration for the rights of commoners should be devised, so that they may not lapse by non-user.

Nevertheless, if in any case it be possible to acquire the rights of the lord, or of the commoners, for the benefit of the public, your Committee consider that it would be advisable to do so, as affording a greater security against any possible inclosure.

Certain public-spirited and munificent gentlemen, lords of manors, have expressed their willingness to grant their rights to trustees, for the public use.

3294. Mr. Alcock, a Member of the House, lord of the manor of Banstead, attended before your Committee, and proposed to make a gratuitous grant of his manorial rights in the soil of 1,400 acres, forming the waste lands of that manor, so that they might be dedicated to the public as open lands for ever, leaving the commoners in the enjoyment of their present rights.

397. Earl Spencer, lord of the manor of Wimbledon, likewise made a proposal to grant his rights over a considerable portion of the common, but that proposal, leaving undealt with the remainder of the common, and being coupled with various conditions, did not meet with unconditional acceptance by the commoners and inhabitants, and was ultimately withdrawn.

3656. Colonel Bowyer. Colonel Bowyer, the lord of the manor of a portion of Clapham Common, is willing to enter into an arrangement for continuing the common in perpetuity to the public, in consideration of an annual rent of moderate amount.

1669. In the neighbourhood of Bristol, a lord of the manor, with the sanction of Parliament, vested his rights in a common in trustees, for the benefit of the inhabitants of Bristol (Clifton and Durdham Downs (Bristol) Act), referred to in Mr. Williams's evidence.

3345. Your Committee have it in evidence from Mr. Pollock that there are many other lords of manors who would be willing to grant their rights for the public use.

See evidence of Mr. Wingrove Cooke, 6208, &c. Mr. Pollock's evidence, 3839. Your Committee are of opinion that a Board of Trustees should be constituted, or an existing Board empowered to accept grants of manorial rights in any open spaces, and to hold such rights in trust for the public use. It is possible that in such case the Crown might consent to vest its manorial and forestal rights in the same body, for the benefit of the public.

Your Committee recommend, however, that the proposed Board, if appointed, should begin to operate, by accepting, in the first instance, those grants of rights or contributions of money which have been or may be voluntarily offered by the Crown or by private individuals.

There appears to be no urgent need of haste in acquiring these rights by purchase, if no further inclosures be sanctioned, unless in cases where a lapse of commoners' rights, or change of circumstances, would place it in the power of the lord of the manor to inclose. Any such cases, in case of need, might form the subject of special action on the part of the Trustees, who might be authorised to report to Parliament upon them from time to time, or to bring in a measure suited to the exigencies of any particular case.

The body of Trustees or Commissioners to be so constituted might be further clothed with powers to settle schemes within the existing law, or where the existing law is insufficient, to prepare schemes for the sanction of Parliament, with a view to the regulation and management of any commons entrusted to their care or in which they had acquired an interest.

The same Trustees might also be furnished with similar powers of action in respect of all other commons within the metropolitan area, at the request of the lords of the respective manors, or of a certain proportion of the commoners or other interested persons.

The objects of the public in these open spaces, next to the main one of keeping them uninclosed, are chiefly two, viz.: 1. Watching and police; 2. Drainage.

2893. 2940. 3368. 3549. 3608. 3624. 3793. It appears that the police do not consider themselves authorised to act in these spaces, and that occurrences occasionally take place there which are contrary to good order, and to public peace and decorum. This arises from the alleged doctrine of law, that the public have no legal interest in commons; but your Committee consider that the action of the police, so far as the public safety is concerned, should extend to those spaces.

Some

Some commons would be improved by drainage. By law, the lord is the only person authorised to appoint common-keepers, or entitled to open the soil to admit drains and culverts. The lord, however, in general, has little personal interest in undertaking this expense. In many cases the commoners, as the persons chiefly interested in the pasture, and the inhabitants who are interested in the preservation of good order and prevention of nuisances, would be willing to provide the necessary funds for both these purposes, but cannot do so from want of authority.

See in the case of Wimbledon, 1669.

It appears to your Committee that it would be expedient to give power to the commoners and inhabitants, under proper regulations, and with due regard to the rights of the lord of the manor to provide for the draining and watching of commons within the Metropolitan area. That these regulations might be prescribed in each case by the Board of Trustees.

There is a third evil which is much complained of in several cases, the exercise of the lord's right to dig gravel, by which the commons are much disfigured, and the enjoyment of them greatly interfered with.

Blackheath. 2776. 2845. 2889. 2990. 3356-9. 3411. 3386. 3406. 3434-5. 3445.

The Crown possesses the right to dig gravel, as a part of its manorial rights, at Blackheath; and that right is exercised to an extent prejudicial to the public enjoyment, and has already greatly disfigured the common. Mr. Gore, whilst admitting this fact, explains that it is obligatory upon the Commissioners of Woods to continue the digging, their sole duty being to look to the revenue to be derived from Crown lands. The amount of revenue so derived is not considerable; it amounts to 56 *l.* per annum on an average of the last six years.

Parliament having voted the Civil List during Her Majesty's reign, this income of 56 *l.* is practically a part of the national revenue. Your Committee are of opinion that, subject to the consent of the Crown, this portion of the Heath should be transferred to the Board of Trustees. The other portion of the Heath produces no revenue to the Lord, and your Committee believe that arrangements might be effected for placing the whole under the management of the Board of Trustees, and remedying the evils which have been so much and so long complained of.

The forestal rights of the Crown over Epping Forest appear to be little profitable to the Crown, and would be far more useful to the public as a means of preserving open and uninclosed lands, over which they extend, than for any pecuniary profit to be derived from them On this subject it is material to state the course which has been adopted in reference to the forestal rights of the Crown in Essex.

A Select Committee was appointed by The House in the Session of 1863, "to inquire into the Condition and Management of the Royal Forests in Essex, "and into any Inclosures which may have taken place therein, since the Report "of the Commissioners of 1850, and to consider whether it may be expedient "to take any steps for preserving the Open Spaces in the said Forests." In the Report of that Committee is contained the following recommendation:

"Two courses presented themselves to the Committee as applicable to the "remaining portion of Waltham Forest; one is to discontinue the sale of the "forestal rights of the Crown, vigilantly to maintain these rights without "regard to the question of cost, for the purpose of preventing all future "inclosures. The other course is, to obtain the sanction of Parliament for the "inclosure of the remaining portion of the forest, to ascertain the rights of the "several parties for securing an adequate portion of the forest for those purposes of health and recreation for which it has been proved to your Committee; "this forest has, from time immemorial, been enjoyed by the inhabitants of the "neighbourhood and the metropolis. Your Committee are of opinion that to "employ the forestal rights of the Crown, for the purpose of obstructing that "process of inclosure, to which the lords, commoners, and copyholders of the "manors comprised within the forest, are entitled, in common, with all other "persons similarly situated, would not only be a course of doubtful justice, "but might, in accordance with the experience of the past, fail in securing "the desired object. They therefore recommend the adoption of the second "alternative."

Hansard, 13 Feb. 1853.

That recommendation of the Committee is, however, at variance with the Resolution of the House on the same subject. That Resolution is as follows:—"That an humble address be presented to Her Majesty, praying that she will be "graciously pleased to give directions that no sales to facilitate inclosures be "made of Crown lands or Crown forestal rights within 15 miles of the "Metropolis."

Your Committee find, in fact, from the evidence of Mr. Gardiner, solicitor to the Department of Royal Forests, that no further sales have taken place since that time, except to a railway company.

Your Committee have to report that numerous inclosures have taken place within the forest of Epping of land over which the Crown's forestal rights have not been purchased; that your Committee find with regret that Her Majesty's Government have taken no measures to assert the rights of the Crown over such lands so inclosed as aforesaid, and recommend that they take immediate steps to vindicate the Crown's forestal rights over such lands, and to abate such inclosures.

Your Committee entirely concur it the first alternative presented by the Report of 1863, and apply it to all Royal forests within the metropolitan area, viz., "That the forestal rights of the Crown should be vigilantly maintained "without regard to the question of cost, for the purpose of preventing all future "inclosures, and to preserve the forest in its present extent and wild unin-"closed condition."

Looking to the unproductive character of those rights, and the small pecuniary benefit to be derived from such other manorial rights as those at Blackheath, in comparison with the great benefit to be derived in health and recreation to the people of the metropolis, by the preservation of all these open spaces, your Committee think it may well deserve the attention of Her Majesty's advisers and of Parliament whether all these rights should not be vested in the trustees of open spaces, if such a body should be appointed in accordance with the recommendations of this Report, with a view to preserve those forests and spaces in their present extent for the public use. They at all events think that in the exercise of the Crown rights over open spaces within the metropolitan area a different principle might be sanctioned for the future, and that the Commissioners of Woods and Forests might be authorised to deal with such rights, less with a view to making the utmost profit from them, than with a view to the advantage to be derived by the public from their use as places of recreation.

As any interference with the exercise of the rights of private persons, lords of manors, must be compensated, your Committee do not see their way to stop this evil by legislation without purchasing those rights; but it is very possible that if a body of trustees, as above suggested, be constituted, in many cases funds might be raised in various ways, by contribution or otherwise, which might enable those trustees to purchase such rights. As to the question of raising funds, your Committee have made some remarks in a subsequent part of this Report.

The same observation will apply to the cutting of timber. The right to cut timber being in the lord, cannot be interfered with without compensation, although it might be exercised very much to the prejudice of the appearance of commons or forest lands. It would be a desirable thing that such rights should, whenever they could be acquired, be vested in the trustees.

There are various cases of commons and open spaces which require the special attention of the Legislature; the names of some are, Hampstead Heath, Blackheath, Epping Forest, Wimbledon, Wandsworth, Hackney, and Peckham Rye. Your Committee have already stated that they considered it beyond their province to report specially on each of these cases; they had evidence enough to satisfy them that attention should be given to these and other cases.

They consider that a Board of Trustees, such as they have indicated, should be authorized, and should make it their business to inquire into and report on these and other cases in the interest of the public.

Your

Your Committee find that much inclosure has gone on of late years in commons by lords of manors, which the commoners and inhabitants consider to be unauthorized and illegal; nevertheless, from a reluctance to incur the expense of legal proceedings, they have not thought fit to resist at law. In future a Board of Trustees, such as has been named, might be empowered to interfere as guardians of the public, and prevent such inclosures if illegal. 1887, 1888, 1922-6, &c.

II. Your Committee therefore further recommend:

That a Board be appointed to act as Trustees for the preservation of commons and open spaces within the metropolitan area.

That they should be instructed to cause an accurate survey to be made, showing on a map of adequate size the present extent of all forests, commons and open spaces within the metropolitan area, and report thereon to Parliament, with the names of the lords of the manors or other persons claiming lords' rights in each case.

That they be authorized specially to inquire into and report on the rights and circumstances affecting any particular common or open space which in their judgment may require special legislation in the public interest.

That they be empowered to authorize drainage works, if needed, at the request of the commoners or inhabitants, where the latter are willing to bear the expense or to settle a scheme for supervision and preventing nuisances upon the open spaces under the same conditions.

Where local rating is proposed, or other means not within the existing law, the Trustees should have power to sanction applications to Parliament.

The Board should have a *locus standi* to be heard upon all Railway Bills or other measures proposing to interfere with any open space within the metropolitan area.

The Trustees should be authorized to accept grants of the rights of the Crown, of lords of manors, and others interested in any forest, common, or open space in the Metropolitan area, and to hold the same for the benefit of the public, and with a view to prevent inclosure. The Trustees should be further authorized if and when they shall obtain any money either by Parliamentary powers or private donations, to purchase such rights as aforesaid for the same purposes. The Trustees should be authorized to accept leases of the same rights, subject to the means being provided (as to which your Committee offer no opinion at present) for meeting the annual rent.

Some suggestions have been made to your Committee as to the mode of raising funds to purchase the rights of lords of manors, and facilitate the carrying out of the other resolutions of this Report. It has been proposed by several witnesses that funds should be raised by means of a sale of a portion of the open spaces themselves. This was a portion of the scheme proposed by the Lord of the Manor of Wimbledon, with reference to that common; your Committee however consider that every means should be resorted to before that of sale. The parts most available for sale, and which would produce the largest sums of money, are those which are nearest to the Metropolis, and therefore those very parts which it is most desirable to keep open. Few parts could be selected without a degree of hardship or injustice on those who might thereby be deprived of an existing frontage to a common, or otherwise be interfered with; such sales could not justly take place without compensating both lords of the manors and commoners, with respect to the lands sold, and if this were done according to the principles of the Land Clauses Consolidation Act, it would absorb the whole of the purchase-money.

In thinly populated districts, spaces of large extent such as Epping Forest, would be best superintended by the police, for all purposes of public safety and morality. Where the spaces on the other hand are small in proportion to the population of the district, then a local rate might be fairly levied for any residential purposes of management, and the prevention of trifling nuisances, such as the accumulation of heaps of rubbish.

An instance will best illustrate the view of your Committee on this subject.

The evils which were proposed to be remedied in the case of Wimbledon Common, were all such as had arisen in consequence of the increase of population; Earl Spencer stated "The Members of the Committee are aware of
397. "the increase in population, and of the increased number of houses within the "last few years. That has brought about many changes in respect of the "common, and many things that were no nuisances at all in former times, now "that there are many more houses near the common, and the common is more "frequented, have become very considerable nuisances. Within the last six "or seven years I have had innumerable complaints, on different subjects "connected with Wimbledon, from the inhabitants and others. They complain "of the drainage, of encroachments on the common, of rubbish that disfigures "the common, of gipsies and tramps who frequent the common, and various other "matters." The plan proposed by Earl Spencer for the remedy of those evils, was to inclose a large portion of the common by a fence, converting it into a park, and appoint a body of park keepers with gates and lodges. It was a necessary part of his scheme to compensate the commoners whose rights would be extinguished by the inclosure, and he proposed to raise a fund for the expense of making the inclosure and park, and compensating the commoners by sale of a considerable portion of the common. His manorial rights in the inclosed space he proposed to grant to trustees for the public use.

Many of the commoners and inhabitants strongly objected to any sale of land, and also to the proposed inclosure and park; they wished to preserve the common undiminished in extent and in its natural uncultivated state. It appeared to your Committee, that apart from the mere question of taste as between a free common and an inclosed park, there was great reason in the objection raised by the commoners. If the common were suffered to remain open, not only would the expense of the fence be saved, but there would be no occasion to compensate the commoners, who had never desired compensation, and whose rights did not appear in any way prejudicial to the public. The inhabitants appeared to be willing to raise funds for draining the common, and to be rated for the expense of more efficiently watching it and preventing nuisances. Under these circumstances, your Committee reported to the House, (1). That it was not expedient that Wimbledon Common should be fenced round or inclosed, or that the existing common rights should be extinguished; and (2). That it was not necessary, and would be undesirable, that any part of the common should be sold.

Having inquired into the circumstances of other manors and commons within the metropolitan area, your Committee are disposed to recommend the adoption of similar resolutions with respect to all.

Various witnesses have concurred in the opinion that these commons are most suited for public enjoyment in their natural state, without the appearance of artificial cultivation.

For the purposes of public safety, the police are the fittest agents. If the ornamental or residential character of the neighbourhood of any common should demand special supervision, then the inhabitants are the proper persons to pay for that supervision, in either case it does not appear that metropolitan funds need be drawn upon for the purpose.

See the cases of Barnes and Clapham.

The inhabitants are the fittest persons to guard the physical condition of the common. In all cases they should be encouraged in that work, and allowed a share in the management where they are willing to assume it. The trustees may be authorised to settle bye-laws where necessary, and would have jurisdiction to protect the interests of the general public where it might be feared that these would clash with those of the inhabitants.

As

As to drainage, inasmuch as the pasture, as well as the sanitary condition of the neighbourhood would be improved by necessary drainage, we consider that the commoners and inhabitants may fairly be looked to to provide the necessary funds in most cases. In the case of Wimbledon Common, it was stated in evidence that the inhabitants would provide the necessary funds for drainage. Should any special cases occur when the interests of the public urgently required drainage, which the inhabitants were not willing to pay for, the trustees would be able to exercise their judgment on the subject, and report to Parliament with a view to legislative powers in case of need. *See* evidence.

III. Your Committee therefore further recommend—

That the action of the police, so far as the public safety is concerned, should extend to all open spaces in the metropolitan area.

As to the expenses of the Board of Trustees in carrying out the recommendations of this Report, your Committee are of opinion that as the rights and property which the trustees will acquire, will, in most instances, be unproductive, it will probably be considered just that the Metropolis should bear that charge.

Various suggestions have been made as to the constitution of the body of trustees or Commissioners to perform the functions indicated in the preceding part of this Report.

Sir John Thwaites informed your Committee that the Metropolitan Board of Works were willing to undertake the charge of the open spaces, and that that Board had passed the following resolution: "That it is highly desirable "to preserve the open commons and spaces near the metropolis for public "recreation and enjoyment, such open spaces to remain uninclosed, and that "the Board should compensate the lords of manors and the commoners in "respect of any rights of which they may be deprived. That towards meeting "the expenditure to be incurred, power should be given to this Board to sell "certain portions of such spaces for building or other purposes." The same witness, however, stated that it would be impossible to carry out the plan proposed by the Board, unless the Board had sufficient power to dispose of a portion of the land for building purposes, and also some other means of raising funds than by a sewers' rate. "We must be aided by some indirect means, "either by an addition to the coal tax, or by a property tax." 4256. 4391. 4342–3. 4408–12.

"Mr. Wingrove Cooke stated, The office with which I am connected (the "Inclosure Office) has great facilities for carrying out the objects which the "Committee may have in view. We have facilities for ascertaining the proper "compensation, and we have facilities also for apportioning that compensation "when the amount is determined. We are also in the daily habit of selling "lands, and there is scarcely any modification which can take place in order "to attain any object which this Committee may have, and which may be "sanctioned by Parliament, to effect which our office could not bring to bear "its machinery." "I should like to make one suggestion with regard to the "Metropolitan Board of Works. If it is a question of purchase, there are no "hands to which it could be better intrusted than those of the Metropolitan "Board of Works, because they have the power of rating, and they represent "the district; but if you should come to any arrangement whereby the "majority should bind the minority, and an Authoritative Act should be "passed for some body effecting this, then I think that the Metropolitan "Board of Works being in the position of an interested party, would not be the "best person for ascertaining the assents and dissents, and acting in a judicial "manner to give effect to the arrangement. I think that the Board of Works "would be too much in the position of a party to discharge those functions "properly." 6198. 6199.

Mr. Peter Erle gave evidence that certain common lands were vested in the names of the official Trustees connected with the department of the Charity Commission. By the Recreation Grounds Act, 1859, those Trustees are empowered to hold certain lands for purposes of recreation, and the Charity Commissioners are given power to settle schemes analogous to the powers which your Committee have suggested on a larger scale, for the administration of the open spaces, the subject of this inquiry. 6227.

It appears to your Committee that, should the Crown part with its manorial and forestal rights to the trustees for the purposes suggested in this Report, it would be right that a representative on its behalf should be one of the Trustees.

Without deciding as to the fitness of the various existing bodies who have been suggested for the office, your Committee would observe, that the powers which they recommend that Parliament should confer, are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are they disposed to recommend the levy of an additional tax on property, or on the inhabitants of the Metropolis, without having first tested the capabilities of the various localities.

There would, no doubt, be a certain saving of expense, and a certain convenience, in conferring the requisite powers on an existing Board; on the other hand, many of the views expressed by your Committee, and which in their opinion the public are interested in maintaining, are so new and special, and are likely if adequately performed to require so much attention, time, and care, that your Committee think they would probably be better and more vigorously carried out by an entirely new Board, having no views, interests, or traditions which might possibly clash with the paramount object of preserving for the public use, so far as may be possible, and by every legitimate means, the forests, commons, and open spaces in and around the metropolitan area.

20 June 1865.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 6° die Aprilis, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Cowper.	Mr. Locke King.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Shaw Lefevre.	Mr. Baillie.
Mr. Rose.	Mr. Vance.
Mr. Torrens.	Mr. Hanbury.
Mr. Du Cane.	Mr. Lyall.
Mr. J. Tollemache.	Mr. Buxton.

Mr. *Charles Gore,* examined.

The Committee deliberated.

Mr. *Charles Gore* further examined; and Mr *James Anderson Rose* examined.

Notice was given by Mr. *Torrens,* that at the next meeting of the Committee he would move, That the Resolution restricting the extent of the inquiry to 22 miles round London, be rescinded.

[Adjourned to Thursday, 27th April, at Twelve o'clock.

Jovis, 27° die Aprilis, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Shaw Lefevre.
Mr. Cox.	Mr. Kinnaird.
Mr. Torrens.	Mr. Peacocke.
Mr. Lyall.	Mr. Locke King.
Mr. J. Tollemache.	Mr. Buxton.
Mr. Hanbury.	

The Committee deliberated.

Mr. *Thomas Turner,* Colonel *Alcock,* Mr. *P. H. Le Breton,* and Mr. *Josiah Wilkinson,* severally examined.

The Committee deliberated.

Resolution of 21st March, restricting the inquiry to a radius of 22 miles round London read.—Motion made, and question put, "That the above Resolution be rescinded, in order that the extent of the inquiry may be enlarged to a radius of 25 miles round London"—(Mr. *Torrens*).—The Committee divided:

Ayes, 5.	Noes, 4.
Mr. J. Tollemache.	Mr. Locke King.
Mr. Peacocke.	Mr. Buxton.
Mr. Hanbury.	Mr. Shaw Lefevre.
Mr. Torrens.	Mr. Doulton.
Mr. Cox.	

Resolution rescinded accordingly.—Motion made, and question, "That the extent of the inquiry shall be limited to 25 miles round London according to the Ordnance Survey"—(Mr. *Torrens*)—put, and *agreed to.*—The Committee deliberated.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 1° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Locke King.	Mr. Lyall.
Mr. J. Tollemache.	Mr. Buxton.
Mr. Doulton.	Mr. Kinnaird.
Mr. Hanbury.	Mr. Rose.
Sir John Shelley.	

Mr. *Henry Mason*, Mr. *George White*, Mr. *Thomas Alex. Hankey*, Mr. *Robert J. P. Jacquet*, Mr. *James Levick*, and Mr. *Brooks*, a Member of the House, severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 4° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Torrens.
Mr. Cowper.	Mr. Kinnaird.
Mr. J. Tollemache.	Sir John Shelley.
Mr. Hanbury.	Mr. Rose.
Mr. Peacocke.	Mr. Vance.
Mr. Shaw Lefevre.	

Mr. *H. B. Farnell*, Mr. *Charles Augustin Smith*, Rev. *W. A. Soames*, Mr. *Thomas Parker*, and Mr. *Stephen Riddington*, severally examined.

Mr. *Charles A. Smith*, further examined.

The Committee deliberated.

Mr. *John Douglas* and Mr. *Frederic James Clark* severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 8 *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Lyall.	Mr. Shaw Lefevre.
Mr. Torrens.	Mr. Locke King.
Mr. Doulton.	Mr. J. Tollemache.
Mr. Hanbury.	Mr. Kinnaird.
Mr. Peacocke.	

Mr. *Alcock*, a Member of the House, Mr. *Alfred Atkinson Pollock*, Vice Admiral *Baillie-Hamilton*, Mr. *G. B. Airy*, Astronomer Royal, Mr. *Charles Gore*, and Mr. *John Chilton*, severally examined.

Mr. *Frederick James Clark*, Mr. *David Potter*, Mr. *John Peter Gassier*, Mr. *Benjamin Field*, Mr. *John Hawkins*, Mr. *Chester Cheston*, Mr. *Richard Ellis*, and Mr. *James Lovegrove*, severally examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 11° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Rose.	Mr. Hanbury.
Mr. Doulton.	Mr. Peacocke.
Mr. Shaw Lefevre.	Mr. Kinnaird.
Mr. Locke King.	Mr. Torrens.
Mr. John Tollemache.	

Mr. *Henry Doulton*, Mr. *James W. Thompson*, Mr. *Henry Peale Bird*, and Mr. *John Thwaites*, severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 15° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Torrens.	Mr. Hanbury.
Mr. Lyall.	Mr. Locke King.
Mr. Shaw Lefevre.	Mr. Kinnaird.
Mr. Doulton.	Mr. Cox.
Mr. J. Tollemache.	Mr. Vance.
Mr. Peacocke.	

Mr. *J. K. Howard* examined.

Motion made, and Question proposed, "That all the cases and opinions referred to in the evidence of Mr. Howard ought to be produced to, and laid before this Committee"—(Mr. *Cox*).—Amendment proposed, to leave out from the word "That" to the end of the question, in order to add the words, "Mr. Howard be called in, and informed that it is the wish of the Committee to have before them the cases and opinions of the Law Officers of the Crown referred to in his evidence"—(Mr. *Lyall*)—instead thereof.—Question, That the words proposed to be left out stand part of the question, put, and *negatived*.—Question proposed, "That the proposed words be added instead thereof."—Amendment proposed to the proposed amendment, by adding at the end thereof the words, "provided there is no objection to their production"—(Mr. *Peacocke*).—Question put, That those words be there added.—The Committee divided:

Ayes, 8	Noes, 4.
Mr. Locke King.	Mr. Kinnaird.
Mr. J. Tollemache.	Mr. Torrens.
Mr. Peacocke.	Mr. Vance.
Mr. Hanbury.	Mr. Cox.
Mr. Lyall.	
Mr. Buxton.	
Mr. Shaw Lefevre.	
Mr. Doulton.	

Question, That the proposed words, as amended, be added to the word "That" in the original question, put, and *agreed to*.—Main Question, as amended, put, and *agreed to*.

Resolved, That Mr. Howard be called in, and informed that it is the wish of the Committee to have before them the cases and opinions of the Law Officers of the Crown referred to in his evidence, provided there is no objection to their production.

Mr. Howard called in, and informed of the decision of the Committee.

Colonel *Sotherby* examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 18° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Shaw Lefevre.
Mr. Locke King.	Mr. J. Tollemache.
Mr. Hanbury.	Mr. Peacocke.
Mr. Torrens.	Mr. Kinnaird.
Mr. Alderman Rose.	Mr. Cox.
Mr. Lyall.	Mr. Cowper.

Mr. *Peter Erle*, Mr. *James Wells Taylor*, Mr. *James Warren*, Mr. *Charles Watkins*, and Mr. *John Gardiner*, severally examined.

Room cleared.—The Committee deliberated.

Mr. *Gardiner* further examined.

Mr. *Gilbert Marshall* examined.

Room cleared.—The Committee deliberated.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 22° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Hanbury.
Mr. J. Tollemache.	Mr. Rose.
Mr. Peacocke.	Mr. Kinnaird.
Mr. Cox.	Mr. Cowper.
Mr. Lyall.	Mr. Locke King.
Mr. Shaw Lefevre.	

Mr. *George Shillibeer*, Mr. *William Delano*, Mr. *William Stewart Forster*, severally examined.

The Committee deliberated.

Motion made, and Question put, "That the Committee, at their next meeting, do proceed to consider a Report on the subject of Epsom Common Inclosure"—(Mr. *Lyall*).—The Committee divided:

Ayes, 2.	Noes, 6.
Mr. Cowper.	Mr. Doulton.
Mr. Lyall.	Mr. J. Tollemache.
	Mr. Peacocke.
	Mr. Hanbury.
	Mr. Shaw Lefevre.
	Mr. Rose.

[Adjourned to Thursday next, at Two o'clock.

Jovis, 25° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Cox.
Mr. Shaw Lefevre.	Mr. J. Tollemache.
Mr. Kinnaird.	Mr. Rose.
Mr. Locke King.	Mr. Lyall.
Mr. Buxton.	Mr. Torrens.
Mr. Baillie.	

Sir *Denis Le Marchant*, Bart., Cl. Dom. Com., Mr. *Thomas Russell*, and Mr. *William Taylor*, severally examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 29° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Cox.	Mr. Doulton.
Mr. Torrens.	Mr. Locke King.
Mr. Lyall.	Mr. J. Tollemache.
Mr. Shaw Lefevre.	Mr. Cowper.
Mr. Peacocke.	Mr. Kinnaird.
Mr. Hanbury.	Mr. Buxton.

Sir *Thomas Maryon Wilson*, Bart., examined.

The Committee deliberated.

Mr. *Wingrove Cooke*, examined.

[Adjourned to Friday, 16th June, at Twelve o'clock.

Veneris, 16° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Lyall.
Mr. J. Tollemache.	Mr. Locke King.
Mr. Shaw Lefevre.	Mr. Hanbury.
Mr. Torrens.	Mr. Buxton.
Mr. Peacocke.	Mr. Cox.
Mr. Kinnaird.	Mr. H. Baillie.
Mr. Vance.	Mr. Cowper.
Mr. Rose.	

Draft Report proposed by the Chairman, read 1°, as follows:—

"1. YOUR COMMITTEE have proceeded with the inquiry intrusted to them, and have the advantage of the opinions of Mr. Wingrove Cooke and Mr. Ridley, Inclosure Commissioners; of the Honourable Charles Gore, and the Honourable James Kenneth Howard, Commissioners of Her Majesty's Woods and Forests; Mr. Peter Erle, Chief Commissioner on the Charity Commission; Mr. Thwaites (now Sir John Thwaites), the Chairman, and Mr. Philip Henry Le Breton, a member of the Metropolitan Board of Works, all of whom have been examined before us. We have also examined the Lords of several Manors and other witnesses interested in the Forests, Commons, and Open Spaces, the subject of our inquiry; and we have taken much general and local evidence, with a view of ascertaining as well the present rights affecting those spaces as of considering the course we should recommend the House to adopt in future legislation respecting them.

"2. The first question we had to determine was, the limit to which our inquiry should extend. The limit of 15 miles had been first suggested, but several important spaces being situate immediately outside that area, we judged it expedient to extend our inquiry to 22, and subsequently to 25 miles round London, measured from the General Post Office, according to the Ordnance Survey. Whilst, however, we have admitted evidence in respect of certain Open Spaces in this extended area, this was done in the first instance for the purpose of inquiry, and not to prejudge the question as to what might fairly be considered the proper limit of a Metropolitan area, beyond which the Open Spaces should be considered and treated more with reference to their agricultural capabilities than as directly affecting the interests of the inhabitants of the Metropolis as places of recreation. Possibly no exact circle of a definite radius can be drawn which may not appear to embrace too much in one direction or too little in another, and any area which may now be fixed may be found too small in some years' time; but, looking to the necessity of fixing some area, we shall be inclined to recommend that the district of 15 miles radius from the General Post Office, according to the Ordnance Survey (the limit prescribed by the General Inclosure Act of 1845) be adhered to for the present as the Metropolitan area, to which special legislation, with a view to the inhabitants of London, should, in the first instance, be directed. As the Metropolis extends, it will always be in the power of Parliament to extend this legislative area. In the case of a proposal to enclose any spaces beyond the prescribed area in which the Metropolis is interested,

Parliament will have the opportunity of considering the requirements of that particular case, upon the Bill for its enclosure.

" 3. We have not considered it a part of our duty to propose a definite scheme for the regulation of each particular common within the Metropolitan area.

See, *inter alia*, Mr. Wingrove Cooke's evidence, 8. 17. 18. 162, 163.

" 4. The evidence which we have had before us has shown that there are special circumstances to be considered in every case, and that the rights of the Lords and Commoners, as well as the views of the inhabitants, vary materially in different localities, and will render some difference in their treatment necessary. To prescribe a proper and sufficient scheme for each forest, common, or open space, would have extended our inquiry beyond all reasonable limits. We have confined ourselves to the consideration of those principles which may be embodied in a general measure and serve as a guide to subsequent and more special legislation. This course is precisely that which has been adopted in the Inclosure Acts, in the legislation respecting Charities and Railways, and in many other analogous cases. At the time of the commencement of our inquiry a Bill was before the House for the regulation and improvement of Wimbledon Common. The Second Reading of that Bill was postponed to enable this Committee to inquire into the merits of that case, and certain schemes were submitted to us by the parties interested. We considered, however, that the details of those schemes would be more popularly dealt with by the Select Committee to whom that particular Bill should be referred, and in making our First Report, which had special reference to Wimbledon, we confined ourselves to the statement of those general principles which, in our judgment, ought imperatively to be observed. We shall have occasion, in a subsequent part of this Report, to refer to the resolutions at which we arrived in respect of Wimbledon Common, in illustration of the general recommendations which we have now to submit to the House.

" 5. The terms of our inquiry (being as to the 'best means of preserving to the public 'use, the forests, commons, and open spaces, in and around the Metropolis.') have rendered it unnecessary for us to inquire into the expediency of preventing, as far as possible, the inclosure of those spaces. That policy has been considered by us to have been adopted by the House, and is taken as the groundwork of our inquiry.

" 6. In point of fact, we find that the public of the Metropolis have exercised the enjoyment of these open spaces to a very considerable and an always increasing extent. Mr. Le Breton stated, that 'last Easter Sunday 50,000 persons came to Hampstead Heath from all parts of the Metropolis.' Another witness gave evidence that Hampstead Heath was much used by the Volunteers for drill and parade.

Hampstead, 2102–4. 2207. 3191–8. 2341.

" 7. As to Epsom, it appeared that a large number of persons from London use the Common every Saturday and Sunday in the summer for recreation, and that it is also used for volunteer exercise.

2656. 2822–4.

" 8. As to Blackheath, similar evidence was given.

2816–8.

" 9. As to Peckham Rye, similar evidence was given.

3231.

" 10. As to Clapham Common, similar evidence was given.

3590.

" 11. As to Hackney Common and Hackney Downs, similar evidence was given.

3679. 3802.

" 12. Many thousands of people resort to Epping Forest, especially on the Easter Monday Hunt, and on Sundays and holidays. Evidence was given of the presence of 200,000 persons on a Whit Monday.

5021–35. 5407.

" 13. Hainault Forest is similarly used by the public of London.

5481.

" 14. And there is no open space within 15 miles of London, which can well be spared for the recreation of the inhabitants.

" 15. The professional evidence before us has, generally speaking, been against the existence of any legal right in the public to the enjoyment of those spaces. Mr. Joseph Burrell, an eminent real property lawyer, who was examined before us, stated that in his opinion an allegation for the public at large of rights of roaming over a common, would be considered by the courts of law as too wide and indefinite to be supported; that such a custom might exist for the inhabitants of a ville or town adjoining a common; but that he doubteth whether it would be a good custom at law, for so large a place as London. Other legal witnesses spoke more decidedly to the effect that, according to the doctrines prevailing in the courts of law, the public of London could not, in the present state of the law, acquire, without special legislation, rights of recreation and enjoyment in the open spaces the subject of our inquiry, although the inhabitants of villages and small towns may by usage acquire such rights in village greens and larger spaces, bearing no smaller proportion to their population than the open spaces round London to the population to the Metropolis.

1344. 1356. 23. 24. 2322–4.

" 16. The opinions so expressed (as to the soundness of which, however, we give no opinion) have proceeded from judicial decisions of ancient date; and we cannot help observing that, even if binding on legal tribunals, they appear to rest upon no very intelligible principle. We are at a loss to conceive why, upon general principles, a right of enjoyment which may be acquired by the inhabitants of a small hamlet should be denied

denied to the inhabitants of the Metropolis, or even to the general public. We find, on the contrary, that the Legislature has recognised and acted on the existence of some such right; for by the General Enclosure Act of 1845, which empowered the Inclosure Commissioners to deal of their own authority with the cases of commons in general, it was provided (sect. 14) that no inclosure should take place, under the provisions of that Act, within 15 miles of the City of London, or within certain distances of towns of a specified magnitude, without the previous sanction of Parliament in each particular case (a provision manifestly grounded in a belief on the part of the Legislature of the existence of some rights possessed by the inhabitants of the Metropolis. Inclosure Act, 1845. 62.

"17. It may deserve consideration whether some declaratory law should not be passed to remedy what appears to us to be a somewhat narrow doctrine of the Courts, hardly in accordance with the general principles of the law, having regard to the increased population of large towns in later times.

"18. The policy which dictated the earlier legislation in respect to commons seems to have proceeded without regard to those particular interests of the public which we are now considering; but, nevertheless, there is nothing to show that that legislation proceeded upon other than grounds of general public advantage.

"19. In early times the great extent of the commons and waste lands in England was regarded as prejudicial to the public, on whose behalf, it may be fairly assumed, that the Legislature acted in facilitating their inclosure, in order that agriculture might be promoted, and the whole country benefited by an increase in the produce of the land.

"20. The statute 20 Henry 3, c. 4, commonly called the Statute of Merton, is the Act chiefly referred to as justifying the principle of inclosure. That Act is in favour of lords of manors, who are represented as complaining that they cannot make their profit of the residue of their great manors, although the commoners have sufficient pasture. The recital is as follows:—'Also because many great men of England (which have infeoffed knights 'and their freeholders of small tenements in their great manors) have complained that 'they cannot make their profit of the residue of their manors as of wastes, woods, and 'pastures, whereas the same feoffees have sufficient pasture, as much as belongeth to their 'tenements.' The Act provides as follows:—if it be certified by assize that the plaintiffs (the commoners) have sufficient pasture, with ingress and regress 'let the other (the lords) 'make their profit of the residue, and go quit that assize;' that is the language of the enactment which has been quoted before us by several witnesses as authorising lords of manors to inclose at the present day. *See* Appendix.

"Upon this statute it is to be remarked, in the first place, that the profit spoken of, judging both from the time when it was enacted and the context of the statute itself, must have meant agricultural profit. Of the intention of the statute, Mr. Justice Ashurst says: 'It was not made merely for the benefit of the lord, but of the public. If there be 'more than a sufficiency of common the public ought not to be deprived of the advantages 'that may be made of the wastes, for it was intended that they should be benefited by the 'increase of culture.' (3 Durnford and East, Term Reports, 447.)

"22. The technical term for inclosure under the Statute of Merton is 'approving' (or 'improving') the waste.

"23. In recent times also the benefit to be derived by the public from increased cultivation has been the motive of numerous Acts of Parliament which have been passed for the inclosure of commons.

"24. Those Acts have now practically superseded the Statute of Merton, which appears, in fact, to have become obsolete. Mr. Wingrove Cooke, in his evidence, says of that Statute, 'If the lord leaves sufficient common to satisfy the rights of the commoners, he 'can inclose the remainder; but as there is scarcely a common now where that can be 'done, practically speaking the right of approvement is a dead letter.' 114, 115. 133.

"25. It may well be considered that lords of manors have, in fact, at or since the time of Henry the Third already fully availed themselves of the advantages of the Statute of Merton, by inclosing as much as they conceived themselves entitled to under that Statute. It was probably intended, indeed, that they should at once inclose and cultivate as much as they were entitled to do, and it is not unreasonable to suppose that they did so.

"26. However this may be, the proceedings with regard to inclosure at the present day are regulated by the Inclosure Acts, a complete machinery for the purpose being vested in the hands of the Inclosure Commissioners. The parties desiring an inclosure communicate with the Commissioners; the course then pursued is described by Mr. Wingrove Cooke, as follows: 'We send down for the information we require, and also a form of 'application to us, setting forth all the circumstances connected with the rights and con-'ditions of the land to be inclosed, and the rights of parties. That comes up, signed by 'a third of the persons who are interested *primâ facie*, and we look at it to see that it is 'properly signed; and if we think it to be so, we then send an Assistant Commissioner 'down, to hear objections, and to investigate the matter generally. A hearing is held 'after notice, and he makes his report upon all the circumstances of the case; upon that, 'if we find the opposition is not great, and if we find that there are advantages in an 'agricultural point of view—because, I take it, we do not consider that it is for us to 'determine whether upon public points of view it is right that they should be inclosed, 120.

'because they come before Parliament afterwards; if we find that it is right in all the 'details, we make a provisional order; that provisional order goes down to the parish, 'and remains there for three weeks; it is then signed by two-thirds of the interests, and 'then we register it and report to Parliament.'

"27. It appears to us that, even in agricultural districts, any attempt at inclosure of lands under the alleged authority of the Statute of Merton would be entirely inconsistent with the more comprehensive legislation of the present day. With agricultural districts we have no concern in our present inquiry; but with regard to commons near large towns, as these latter have rapidly increased in population, the necessity of providing open spaces for health and recreation has become paramount to the mere improvement of those lands in an agricultural sense; and seeing that the inevitable result of the inclosure by private individuals of lands in the populous suburbs of the Metropolis, would be the not even agricultural improvement, but building, we have no hesitation in coming to the conclusion that, so far at least as the metropolitan area is concerned, it is time that the Statute of Merton should be repealed. It may be that, owing to the very enjoyment by the public of the commons in the neighbourhood of the Metropolis, those spaces have become unproductive as pastures, and that much evidence of the rights formerly exercised by the commoners has become lost. In such cases it might be fairly argued that the commoners, by their acquiescence in the public enjoyment, had virtually tranferred their rights to the public, and it might not be unjust that the Legislature should sanction and confirm such transfer, rather that the lord should reap the benefit of the lapse of the commoners' rights. In the case of Wimbledon Common, it appeared that the common had of late years been little used as pasture, although the rights of the commoners there still exist. One cause was the destruction of the gates which were formerly placed across the roads leading form the common, and kept cattle from straying. This abolition of gates so circumstanced is, however, an occurrence which must take place sooner or later in every case where a vast increase in the population and consequent traffic arises from the conversion of a previously rural district into a suburb of the Metropolis. It further appeared, in the case of Wimbledon, that the commoners had assented to being deprived of the use of the common during a portion of the year by the National Rifle Association, in consideration of the public importance of the objects of that association. In making our Report in reference to the case of Wimbledon Common, therefore, we thought it not out of place to recommend to the House that the Statute of Merton should be repealed, so as to prevent an injustice which might otherwise indirectly ensue to the commoners, owing to the very enjoyment on the part of the public of those open spaces.

1229.
1262–4.

"28. The 30th section of the General Inclosure Act, 1845, provides that it shall be lawful for the Inclosure Commissioners to require, and in their provisional order to specify, as one of the terms and conditions of inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood, not exceeding a certain quantity specified by the Act, in proportion to the population of the parish in which the land to be inclosed is situate. This 30th section is explained by Mr. Wingrove Cooke to have reference to rural parishes, and the maximum provision made by it of 10 acres is manifestly inadequate to the wants of the Metropolis. It appears to us, however, that from this enactment two important principles may be deduced with reference to our present inquiry. (1.) That Parliament regards the granting facilities for inclosure as a boon to the parties, and consequently that in the public interest any terms may be imposed, or that the privilege may be entirely withheld; and (2.) That the inhabitants of the neighbourhood of commons are to be considered as having certain *primâ facie* rights of exercise and recreation over those spaces.

72.

"29. Mr. Burrell stated distinctly that he considered the granting of an Inclosure Act of Parliament a boon which Parliament might justly refuse at discretion.

1339.
1342.

"30. It also appeared clearly from the evidence of Mr. Wingrove Cooke, Mr. Burrell, and others, that lords of manors practically cannot now inclose without the sanction of an Act of Parliament unless they got the consent of every individual commoner, which is next to an impossibility.

114.
1333–8.
6303.

"31. The long continuance of the practice of the inhabitants of London to resort to open spaces for recreation, and its decided tendency to promote their health and happiness, and to draw them away from more pernicious amusements, appear to be sufficient reasons, apart from the mere legal questions of the case, why the Legislature should decline to sanction any measures which may indirectly deprive the public of the advantages they have so long enjoyed, and the necessity for which is daily increasing.

"32. Altered circumstances and increased population may well justify an extension of the law; and whereas formerly, in a comparatively thinly populated country, nothing was thought of but the advantage to be derived from increased culture, now in consequence of the rapid growth of towns, the public interest in keeping open such commons as exist near towns, deserves the attention of the Legislature, no less than the purely agricultural interest of former times.

"33—I. Your Committee therefore recommend that with respect to all waste lands within the Metropolitan area:—

"(1.) The Statute of Merton be repealed, as having fulfilled its purpose and been superseded by modern legislation, and as being especially ill adapted to commons and open spaces near the Metropolis.

"(2.) That

"(2.) That no inclosures be sanctioned by Parliament for the future within that area.

"34. Having, for the reasons already stated, arrived at the conclusions that no more inclosures should be sanctioned by Parliament within the metropolitan area, we had next to consider what provisions are necessary with a view to their maintenance and preservation or their improvement; as to which various suggestions were made before us.

"35. In the first place it was suggested that they should be purchased and vested in trustees for the metropolitan public.

"36. The extent of the common or waste lands within the metropolitan area of 15 miles appears by the Paper handed in by Mr. Ridley, printed in Appendix No. 1 to our former Report, to be 20,336 acres, and we have not been able to discover means of raising money for the purchase of so large a quantity of land. Mr. (now Sir John) Thwaites informed the Committee that the Metropolitan Board of Works had had the question of such purchase under consideration; but that unless aided by some indirect means, such as an addition to the coal tax, or by property tax, their present available means would be insufficient for the purpose. 4342.

"37. If the Legislature should adopt our recommendation not to authorise any further inclosures within the metropolitan area, we do not see the necessity for the expenditure of so large a sum of public money as such purchase would require. We have already stated our reasons for thinking that the enjoyment which the public have hitherto had of these spaces may fairly be allowed to continue, and will continue, unless Parliament gives those facilities for inclosure which we consider cannot be claimed by lords of manors, or by commoners, as of right. The existence of those undefined rights are virtually the safeguard of the public in preventing inclosure. That being the case, we are unable to recommend a comprehensive scheme of purchase.

"38. It is true that where the number of commoners is very small, it has been suggested that lords of manors might be enabled by combination with the commoners legally to sell a particular common. In the case of Wimbledon Common, Mr. Forster stated that in his opinion all the rights of common had lapsed; and, therefore, that the lord of the manor might inclose or sell at his pleasure. This position was disputed by Mr. Gore, who asserted that the Crown had rights of common; and we had it in evidence before us that the lord of the manor had brought a Bill into Parliament in the present Session for the regulation of that common, which would have been unnecessary had he been confident in the existence of his absolute right to dispose of the land as his own, and also an attempted inclosure made within the last few years of a part of the common had been successfully resisted by Mr. Drax, a copyholder of the manor. From this and other instances, we may therefore be permitted to doubt the correctness of the opinions which have been expressed in favour of the abosolute rights of lords of manors by their legal advisers. 723. 731. 746. 799. 1852. 5791-2.

"39. As to the rights of commoners they appear to us to have been and to be the great safeguard against inclosures, and not to have been detrimental to the public. For these reasons, in the case of the Wimbledon Common, we reported in favour of their maintenance; and we recommend the same course with respect to the open spaces generally in the metropolitan area.

"40. Nevertheless, if in any case it be possible to acquire the rights of the lord, or of the commoners, for the benefit of the public, we consider that it would be advisable to do so, as affording a greater security against any possible inclosure.

"41. Certain public-spirited and munificent gentlemen, lords of manors, have expressed their willingness to grant their rights to trustees, for the public use.

"42. Mr. Thomas Alcock, a member of the House, lord of the manor of Banstead, attended before us, and proposed gratuitously to grant his rights in the soil of 1,400 acres, forming the waste lands of that manor, so that they might be dedicated to the public as open lands for ever, leaving the commoners in the enjoyment of their present rights. 3294.

"43. Earl Spencer, lord of the manor of Wimbledon, likewise made a proposal to grant his rights over a considerable portion of the common, but that proposal, leaving undealt with the remainder of the common, and being coupled with various conditions, did not meet with unconditional acceptance by the commoners and inhabitants, and was ultimately withdrawn. 397.

"44. Colonel Bowyer, the lord of the manor of Clapham, is willing to enter into an arrangement for continuing the common in perpetuity to the public, in consideration of an annual rent of moderate amount. 3656. Colonel Bowyer.

"45. In the neighbourhood of Bristol, a lord of the manor, with the sanction of Parliament, vested his rights in a common in trustees, for the benefit of the inhabitants of Bristol (Clifton and Durdham Downs (Bristol) Act), referred to in Mr. Williams's evidence. 1669.

"46. We find that the Sovereign is lord of the manor of Blackheath, and is also possessed of extensive forestal rights in Epping and Waltham Forests.

See evidence of Mr. Wingrove Cooke, 6208, &c.

Mr. Pollock's evidence, 3839.

" 47. We are of opinion that a Board of Trustees should be constituted, or an existing Board empowered to accept grants of manorial rights in any open spaces within the metropolitan area, and to hold such rights in trust for the public use. It is possible that in such case the Crown might consent to vest its manorial and forestal rights in the same body, for the benefit of the public.

" 48. We recommend, however, that the proposed Board, if appointed, should begin to operate on a moderate scale, by accepting, in the first instance, those grants of rights or contributions of money which have been or may be voluntarily offered by the Crown or by private individuals.

" 49. There appears to be no urgent need of haste in acquiring these rights by purchase, if no further inclosures be sanctioned, unless in cases where a lapse of commoners' rights, or change of circumstances, would place it in the power of the lord of the manor to inclose. Any such cases, in case of need, might form the subject of special action on the part of the Trustees, who might be authorised to report to Parliament upon them from time to time, or to bring in a measure suited in the exigencies of any particular case.

" 50. The body of Trustees or Commissioners to be so constituted might be further clothed with powers to settle schemes within the existing law, or where the existing law is insufficient, to prepare schemes for the sanction of Parliament, with a view to the regulation and management of any commons entrusted to their care or in which they had acquired an interest.

" 51. The same Trustees might also be furnished with similar powers of action in respect of all other commons within the metropolitan area, at the request of the lords of the respective manors, or of a certain proportion of the commoners or other interested persons.

" 52. The objects of the public in these open spaces, next to the main one of keeping them uninclosed, are chiefly two, viz.: 1. Watching and police; 2. Drainage.

2893. 2940. 3368. 3549. 3603. 3624. 3793.

" 53. It appears that the police do not consider themselves authorised to act in these spaces, and that occurrences occasionally take place there which are contrary to good order, and to public peace and decorum. This arises from the doctrine of law, that the public have no legal interest in commons; but, looking to the facts and opinions we have expressed in a former part of this report, we consider that it is a necessary consequence of the recognition of the rights of the public that the action of the police, so far as the public safety is concerned, should extend to those spaces.

" 54. Some commons would be improved by drainage. By law, the lord is the only person authorised to appoint common keepers, or entitled to open the soil to admit drains and culverts. The lord, however, in general, has little personal interest in undertaking this expense. In many cases the commoners, as the persons chiefly interested in the pasture, and the inhabitants who are interested in the preservation of good order and prevention of nuisances, would be willing to provide the necessary funds for both these purposes, but cannot do so from want of consent of the lord of the manor.

See in the case of Wimbledon, 1669.

" 55. It appears to your Committee that it would be just to give concurrent power to the commoners and inhabitants with the lord of the manor, under proper regulations, to provide for the draining and watching of commons within the Metropolitan area. That these regulations might be prescribed in each case by the Board of Trustees.

" 56. There is a third evil which is much complained of in several cases, the exercise of the lord's right to dig gravel, by which the commons are much disfigured, and the enjoyment of them greatly interfered with.

Blackheath. 2776. 2845. 2889. 2990. 3356-9. 3411. 3386. 3406. 3434-5. 3445.

" 57. The Crown possesses the right to dig gravel, as a part of its manorial rights, at Blackheath; and that right is exercised to an extent prejudicial to the public enjoyment, and has already greatly disfigured the common. Mr. Gore, whilst admitting this fact, explains that it is obligatory upon the Commissioners of Woods to continue the digging, their sole duty being to look to the revenue to be derived from Crown lands. The amount of revenue so derived is not very considerable; it amounts to 56*l.* per annum on an average of the last six years. The forestal rights of the Crown at Epping, and elsewhere within the district, appear to be a little profitable to the Crown, and would be far more useful to the public as a means of preserving open and uninclosed lands, over which they extend, than for any pecuniary profit to be derived from them. On this subject, it is material to state the course which has been adopted in reference to the forestal rights of the Crown in Essex.

" 58. A Select Committee was appointed by The House in the Session of 1863, 'to 'inquire into the Condition and Management of the Royal Forests in Essex, and into any 'Inclosures which may have taken place therein, since the Report of the Commissioners 'of 1850, and to consider whether it may be expedient to take any steps for preserving the 'Open Spaces in the said Forests.' In the Report of that Committee is contained the 'following recommendation:—

'Two courses presented themselves to the Committee as applicable to the remaining 'portion of Waltham Forest; one is to discontinue the sale of the forestal rights of the 'Crown, vigilantly to maintain these rights without regard to the question of cost, for the

'purpose

'purpose of preventing all future inclosures. The other course is, to obtain the sanction 'of Parliament for the inclosure of the remaining portion of the forest, to ascertain the 'rights of the several parties for securing an adequate portion of the forest for those pur- 'poses of health and recreation for which it has been proved to your Committee; this 'forest has, from time immemorial, been enjoyed by the inhabitants of the neighbourhood 'and the metropolis. Your Committee are of opinion that to employ the forestal rights 'of the Crown, for the purpose of obstructing that process of inclosure, to which the lords, 'commoners, and copyholders of the manors comprised within the forest, are entitled, in 'common, with all other persons similarly situated, would not only be a course of doubtful 'justice, but might, in accordance with the experience of the past, fail in securing the 'desired object. They, therefore, recommend the adoption of the second alternative.'

"59. The House, however, did not agree with the recommendation of the Committee, but passed a resolution against permitting any further sales of the forestal rights of the Crown. Hansard, June 1863.

"60. We find, in fact, from the evidence of Mr. Gardiner, solicitor to the Department of Royal Forests, that no further sales have taken place since that time, except to a railway company.

"61. We also find, however, from the evidence of the Honourable James Kenneth Howard, one of the Commissioners of Woods and Forests, that nothing has been done to abate an inclosure of very considerable extent (about 300 acres) by a Mr. Hodgson, in the manor of Chingford, or any other encroachments of the same kind. Mr. Howard stated the reasons for this course, as follows: 'After the resolution which was passed, on 'the motion of the Honourable Member for Maldon, in 1863, and the Report of the Com- 'mittee in the same year, my hands were tied as to any further proceedings that I could 'take in Epping Forest upon my own responsibility; and, therefore, I instructed the 'solicitor to the Royal Forests to lay a case with the report of the Committee of 1863, 'before the law officers of the Crown, and to ask their opinion, first, with regard to the 'forestal rights of the Crown over the manor of Chingford St. Paul's, and the proceedings 'to be taken on behalf of the Crown for ascertaining and maintaining its rights as regards 'this manor, and, secondly, as to the course to be taken on behalf of the Crown as respects 'the remainder of the open wastes of manors and inclosures recently made therefrom over 'which the forestal rights have not yet been parted with. A case was submitted to the 'Law Officers of the Crown, Sir Roundell Palmer, Mr. Collier, and Mr. James, for their 'opinion. The opinion was to this effect, that having regard to all the circumstances, and 'especially to the fact that any litigation would involve expenditure, without any prospect 'of additional revenue to the Crown, if the course pointed out by the Committee of the 'House of Commons be followed, the Law Officers should make a special report on the 'whole subject to the Treasury, asking for instructions as to what should be done with 'regard to Mr. Hodgson's, or any other considerable encroachment, and requesting attention 'to the whole subject as one involving a question of policy, which can only be determined 'by Her Majesty's Government, and which, if determined in accordance with the views 'of the Committee of the House of Commons, cannot be satisfactorily dealt with by the 'Office of Woods without new legislation. That opinion was given in December 1863, 'and in accordance, therefore, with the advice of the Law Officers, I submitted the whole 'case to the Treasury in a very lengthy report, requesting their instructions as to how I 'was to act. Subsequently to the receipt of my report, it appeared that the Treasury put 'themselves into communication with the Metropolitan Board of Works upon the subject, 'and Mr. Peel's letter to that Board was laid before the House of Commons on the 28th 'June 1864. On the 8th July, I received a letter from the Treasury, directing me to 'place myself in direct communication with the Chairman of the Metropolitan Board of 'Works, which I immediately did. I saw Mr. Thwaites, in company with Mr. Gardiner, 'the solicitor to the Royal Forests, and we gave Mr. Thwaites every information in our 'power as to the facts and law of the case with regard to Epping. Since that period, I 'have had no communication whatever with the Metropolitan Board of Works, or with the 'Treasury, upon the subject, and what subsequent communications may have taken place 'between the Metropolitan Board and the Treasury, probably the Honourable Member 'for Lambeth, who is a Member of the Board, will be able to state to the Committee. 'Mr. *Torrens*. With regard to this particular case of inclosure by Mr. Hodgson, nothing 'has been done at any time, as I understand, to vindicate the rights of the Crown? '*A.* Nothing; I cannot do anything; my hands were completely tied.' 4473. 4470–1.

"62. We consider it would be most desirable for the interests of the public that the policy adopted by the Crown departments in respect of the Royal Forests, should be modified, so far as relates to any lands within the metropolitan area.

"63. We entirely concur in the first alternative presented by the Report of 1863, and apply it to all Royal Forests within the metropolitan area, viz., 'That the forestal rights of 'the Crown should be vigilantly maintained without regard to the question of cost, for the 'purpose of preventing all future inclosures, and to preserve the forest in its present 'extent and wild uninclosed condition.'

"64. Looking to the unproductive character of those rights, and the small pecuniary benefit to be derived from such other manorial rights as those at Blackheath, in connection with the great benefit to be derived in health and recreation to the people of the metro-

polis, by the preservation of all these open spaces, we think it may well deserve the attention of Her Majesty's advisers and of Parliament whether all these rights should not be vested in the trustees of open spaces, if such a body should be appointed in accordance with the recommendations of this Report, with a view to preserve those forests and spaces in their present extent for the public use. At all events, we think that in the exercise of the Crown rights over open spaces within the metropolitan area, a different principle might be sanctioned for the future, and that the Commissioners of Woods and Forests might be authorised to deal with such rights, less with a view to making the utmost profit from them, than with a view to the advantage to be derived by the public from their use as places of recreation.

" 65. As any interference with the exercise of the rights of private persons, lords of manors, must be compensated, we do not see our way to stop this evil by legislation without purchasing those rights; but it is very possible that if a body of trustees, as above suggested, be constituted, in many cases funds might be raised in various ways, by contribution or otherwise, which might enable those trustees to purchase such rights. As to the question of raising funds, your Committee have made some remarks in a subsequent part of this Report.

" 66. The same observation will apply to the cutting of timber. The right to cut timber being in the lord, cannot be interfered with without compensation, although it might be exercised very much to the prejudice of the appearance of commons or forest lands. It would be a desirable thing that such rights should, whenever they could be acquired, be vested in the trustees.

" 67. There are various cases of commons which require the special attention of the Legislature; we may mention the names of some, which are, Hampstead Heath, Blackheath, Epping, Wimbledon, Wandsworth. We have already stated that we considered it beyond our province to report specially on each of these cases; we had evidence enough to satisfy us that attention should be given to these and other cases, but we were unable from want of time and materials to settle a sufficient scheme in any one particular case.

" 68. We consider that a Board of Trustees, such as we have indicated, should be authorised, and should make it their business to inquire into and report on these and other cases in the interest of the public.

See in the case of Wandsworth, the evidence of Mr. Rose, 1887, 1888, 1922-6, &c.

" 69. We find that much inclosure has gone on of late years in commons by lords of manors, which the commoners and inhabitants consider to be unauthorized and illegal; nevertheless, from a reluctance to incur the expense of legal proceedings, they have not thought fit to resist at law. In future, a Board of Trustees, such as we have named, might be empowered to interfere as guardians of the public, and prevent such inclosures, if illegal.

" 70.—II. Your Committee therefore further recommend:

" That a Board be appointed to act as Trustees for the preservation of commons and open spaces within the metropolitan area.

" That they should be instructed to cause an accurate survey to be made, showing on a map of adequate size the present extent of all forests, commons and open spaces within the metropolitan area, and report thereon to Parliament, with the names of the lords of the manors or other persons claiming lords' rights in each case.

" That they be authorised specially to inquire into and report on the rights and circumstances affecting any particular common or open space which in their judgment may require special legislation in the public interest.

" That they be empowered to authorise drainage works, if needed, at the request of the commoners or inhabitants, where the latter are willing to bear the expense or to settle a scheme for supervision and preventing nuisances upon the open spaces under the same conditions.

" Where local rating is proposed, or others means not within the existing law, the Trustees should have power to sanction applications to Parliament.

" The Board should have a *locus standi* to be heard upon all Railway Bills of other measures proposing to interfere with any open space within the metropolitan area.

" The Trustees should be authorised to accept grants of the rights of the Crown, of lords of manors, and others interested in any forest, common, or open space, in the metropolitan area, and to hold the same for the benefit of the public, and with a view to prevent inclosure. The Trustees should be further authorised if and when they shall obtain any money either by Parliamentary powers or private donations, to purchase such rights as aforesaid for the same purposes. The Trustees should be authorised to accept leases of the same rights subject to the means being provided (as to which we offer no opinion at present) for meeting the annual rent.

" 71. Some

"71. Some suggestions have been made to your Committee as to the mode of raising funds to purchase the rights of lords of manors, and facilitate the carrying out of the other resolutions of this Report. It has been proposed by several witnesses that funds should be raised by means of a sale of a portion of the open spaces themselves. This was a portion of the scheme proposed by the Lord of the Manor of Wimbledon, with reference to that common; Your Committee however consider that every means should be resorted to before that of sale. The parts most available for sale, and which would produce the largest sums of money, are those which are nearest to the Metropolis, and therefore those very parts which it is most desirable to keep open. No parts could be selected without a degree of hardship or injustice on those who might thereby be deprived of an existing frontage to a common, or otherwise be interfered with; such sales could not justly take place without compensating both lords of the manors and commoners, with respect to the lands sold, and if this were done according to the principles of the Land Clauses Consolidation Act, it would absorb the whole of the purchase money.

"72. If the recommendations contained in the previous part of our Report be adopted, we do not apprehend that very considerable funds will be necessary for the objects which the public have in view.

"73. Those objects will in most cases be limited to superintendence and, in some cases, of drainage.

"74. In thinly populated districts, spaces of large extent such as Epping Forest, would be best superintended by the police, for all purposes of public safety and morality. Where the spaces on the other hand are small in proportion to the population of the district, then a local rate might be fairly levied for any residential purposes of management, and the prevention of trifling nuisances, such as the accumulation of heaps of rubbish.

"75. An instance will best illustrate our view on this subject.

"76. The evils which were proposed to be remedied in the case of Wimbledon Common were all such as had arisen in consequence of the increase of population; Earl Spencer stated, 'The Members of the Committee are aware of the increase in population, 397.
'and of the increased number of houses within the last few years. That has brought
'about many changes in respect of the common, and many things that were no nuisances
'at all in former times, now that there are many more houses near the common, and the
'common is more frequented, have become very considerable nuisances.' Within the last
'six or seven years I have had innumerable complaints, on different subjects connected
'with Wimbledon, from the inhabitants and others. They complain of the drainage, of
'encroachments on the common, of rubbish that disfigures the common, of gipsies and
'tramps who frequent the common, and various other matters.' The plan proposed by Earl Spencer for the remedy of those evils, was to inclose a large portion of the common by a fence, converting it into a park, and appoint a body of park keepers with gates and lodges. It was a necessary part of his scheme to compensate the commoners whose rights would be extinguished by the inclosure, and he proposed to raise a fund for the expense of making the inclosure and park, and compensating the commoners by sale of a considerable portion of the common. His manorial rights in the inclosed space he proposed to grant to trustees for the public use.

"77. The commoners and inhabitants strongly objected to any sale of land, and also to the proposed inclosure and park; they wished to preserve the common undiminished in extent and in its natural uncultivated state. It appeared to us, that apart from the mere question of taste as between a free common and an inclosed park, there was great reason in the objection raised by the commoners. If the common were suffered to remain open, not only would the expense of the fence be saved, but there would be no occasion to compensate the commoners, who had never desired compensation, and whose rights did not appear in any way prejudicial to the public. The inhabitants appeared to be willing to raise funds for draining the common, and to be rated for the expense of more efficiently watching it and preventing nuisances. Under these circumstances, we reported to the House, (1.) That it was not expedient that Wimbledon Common should be fenced round or inclosed, or that the existing common rights should be extinguished; and (2.) That it was not necessary, and would be undesirable that any part of the common should be sold.

"78. Having inquired into the circumstances of other manors and commons within the metropolitan area, we are disposed to recommend the adoption of similar resolutions with respect to all.

"79. Various witnesses have concurred in the opinion that these commons are most suited for public enjoyment in their natural state, without the appearance of artificial cultivation.

"80. For the purposes of public safety, the police are the fittest agents. If the ornamental or residential character of the neighbourhood of any common should demand special supervision, then the inhabitants are the proper persons to pay for that supervision; in either case it does not appear that metropolitan funds need be drawn upon for the purpose.

See the cases of Barnes and Clapham.

" 81. The inhabitants are the fittest persons to guard the physical condition of the common. In all cases they should be encouraged in that work, and allowed the chief share in the management where they are willing to assume it. The trustees may be authorised to settle bye-laws where necessary, and would have jurisdiction to protect the interests of the general public where it might be feared that these would clash with those of the inhabitants.

" 82. As to drainage, inasmuch as the pasture, as well as the sanitary condition of the neighbourhood would be improved by necessary drainage, we consider that the commoners and inhabitants may fairly be looked to to provide the necessary funds in most cases. In the case of Wimbledon Common, it was stated in evidence that the inhabitants would provide the necessary funds for drainage. Should any special cases occur when the interests of the public urgently required drainage, which the inhabitants were not willing to pay for, the trustees would be able to exercise their judgment on the subject, and report to Parliament with a view to legislative powers in case of need.

See evidence.

" 83.—III. Your Committee therefore further recommend—

" That the police should have jurisdiction to act within all open spaces in the metropolitan area.

" That no general metropolitan tax be levied at present for the purposes or maintenance of the open spaces, nor until the capabilities of the different localities have been fairly tested; and that no further legislation on the subject should be had without a report from the trustees, to be appointed as above suggested.

" 84. As to the mere office and other expenses of the trust, as the rights and property which the trustees will acquire will, in most instances, be unproductive, it will probably be considered just that the Metropolis should ultimately bear that charge. In the meantime, however, and until some permanent arrangement can be made as to expense, for an object of great and almost national importance, we think that these expenses might be provided for by Parliament in the interim, to be repaid on behalf of the Metropolis, otherwise we fear that much valuable time may be lost in taking the first steps in the matter.

" 85. Various suggestions have been made as to the constitution of the body of trustees or Commissioners to perform the functions indicated in the preceding part of this Report.

" 86. Sir John Thwaites informed Your Committee that the Metropolitan Board of Works were willing to undertake the charge of the open spaces, and that that Board had passed the following Resolution: 'That it is highly desirable to preserve the open commons and spaces near the Metropolis for public recreation and enjoyment, such open spaces to remain uninclosed, and that the Board should compensate the lords of manors and the commoners in respect of any rights of which they may be deprived. That towards meeting the expenditure to be incurred, power should be given to this Board to sell certain portions of such spaces for building or other purposes.' The same witness, however, stated that it would be impossible to carry out the plan proposed by the Board, unless the Board had sufficient power to dispose of the land for building purposes, and also some other means of raising funds than by a sewers' rate. 'We must be aided by some indirect means, either by an addition to the coal tax, or by a property tax.'

4256.
4391.
4342-3.
4408-12.

" Mr. Wingrove Cooke stated, 'The office with which I am connected (the Inclosure Office) has great facilities for carrying out the objects which the Committee may have in view. We have facilities for ascertaining the proper compensation, and we have facilities also for apportioning that compensation when the amount is determined. We are also in the daily habit of selling lands, and there is scarcely any modification which can take place in order to attain any object which this Committee may have, and which may be sanctioned by Parliament, to effect which our office could not bring to bear its machinery.' 'I should like to make one suggestion with regard to the Metropolitan Board of Works. If it is a question of purchase, there are no hands to which it could be better intrusted than those of the Metropolitan Board of Works, because they have the power of rating, and they represent the district; but if you should come to any arrangement whereby the majority should bind the minority, and an Authoritative Act should be passed for some body effecting this, then I think that the Metropolitan Board of Works being in the position of an interested party, would not be the best person to ascertain the assents and dissents, and acting in a judicial manner to give effect to the arrangement. I think that the Board of Works would be too much in the position of a party to discharge those functions properly.'

6198.
6199.

" 87. Mr. Peter Erle gave evidence that certain common lands were vested in the names of the official trustees connected with the department of the Charity Commission. We also find that by the Recreation Grounds Act, 1859, those trustees are empowered to hold certain lands for purposes of recreation, and the Charity Commissioners are given power to settle schemes analogous to the powers which we have suggested on a larger scale, for the administration of the open spaces, the subject of this inquiry.

6227.

" 88. It

"88. It appears to us that, should the Crown part with its manorial and forestal rights to the trustees for the purposes suggested in this Report, it would be right that a representative on its behalf should be one of the Trustees.

"89. Without deciding between the conflicting claims of the various existing bodies who have been suggested, or their fitness for the office, we would observe, that the powers which we recommend that Parliament should confer, are not those of sale or compensation, as contemplated by Sir John Thwaites and Mr. Wingrove Cooke, nor are we disposed to recommend the levy of an additional tax on property, or on the inhabitants of the Metropolis, without having first tested the capabilities of the various localities.

"90. The House will best decide whether any and which of the bodies we have named, or an entirely new body, should be entrusted with the important interests which we have been considering. There would, no doubt, be a certain saving of expense, and a certain convenience in conferring the requisite powers on an existing Board; on the other hand, many of the views we have expressed, and which, in our opinion, the public are interested in maintaining, are so new and special, and are likely, if adequately performed, to require so much attention, time, and care, that we think they would probably be better and more vigorously carried out by an entirely new Board, having no views, interests, or traditions which might possibly clash with the paramount object of preserving for the public use, so far as may be possible, and by every legitimate means, the forests, commons, and open spaces in and around the metropolitan area."

Draft Report proposed by Mr. *Doulton*, read 1°, as follows:—

"1. In collecting the evidence appended to the present Report, Your Committee have had in view the Resolution of your Honourable House, 'that it is the duty of Her 'Majesty's Government to take steps for the preservation of the Commons and Open 'Spaces in and near the Metropolis.' Their inquiries have therefore been directed to the nature of the several tenures concerned, the interests of the parties claiming to be affected, and the means to be employed for giving practical effect to the foregoing resolution.

"2. The subject of the reference to Your Committee is of a twofold nature: firstly, in so far as it relates to commons proper; and secondly, to the Crown's rights over certain forests.

"3. The tenure of the several commons investigated by Your Committee is the same, although the customs of some manors vary slightly from those of others, and is as old as the common law itself, cases being alleged—Hampstead, for instance—in which the original grant from the Crown dates before the Conquest; and yet a very wide difference of opinion exists as to what the rights of the lords really are, and considerable doubts as to the means of enforcing those rights. On the one hand, it is held that the lord is the absolute owner in fee of the whole of his waste; that he can approve or inclose, of his own mere motion, leaving enough to satisfy the claims of the commoners. On the other, that he has a very limited right, very difficult to define, difficult to assert, and on which he can take no action without the assent of the Legislature. So again with the rights of freehold tenants of the manors, copyholders, and commoners; Your Committee found great difficulty in several cases brought under their notice in ascertaining how many of either class still remained; who they were, and what were their rights in relation to the common over which they claimed.

"4. Still more vague and unsatisfactory appear to be the rights of the public at large, for while it is generally acknowledged that a right may exist to traverse any of these spaces at will in all directions, and that no action for trespass would lie for such traversing, and even, 'that a *servitus spatiendi* over open ground which has in some measure been 'devoted to public use, is also intelligible and known to the law,' yet the legal authorities appear most unwilling to admit any general public right to exercise and recreation upon any of these spaces, although such right may from time immemorial have been enjoyed, contending that it must be limited to some certain defined body of persons, as the inhabitants of a particular parish, or the tenants of a particular manor.

"5. So long as the population adjoining these commons remained thin and spare, the uncertainty of these rights remained a matter of little moment; the soil being generally poor did not tempt the lords to incur the expense of inclosure for agricultural purposes; the scanty herbage invited no foreign cattle to dispute the right to graze with those of the commoners; and the rare pedestrian wandered unmolested over the lord's waste. But with the rapid increase of population, a totally different state of things has arisen; every inch of ground has become valuable for building purposes; the rare pedestrian has multiplied to thousands; the commoner, who stood between the lord and the general public, has in many cases disappeared; and the public and private interests are now at issue face to face.

"6. In some cases by a timely and judicious arrangement, as at Clapham Common and Tooting, the collision between the two has for a time been averted; but other cases are now imminent where some speedy action is demanded.

"7. In pursuing their investigation into the several matters which are the subject of their reference, Your Committee have not thought it necessary to accumulate evidence of the value of these open spaces for the maintenance of the public health; neither have they summoned numerous witnesses to prove the necessity for preserving sufficient area for the training of the volunteer forces, but they have received the testimony of distinguished officers, both of the volunteer and militia services, that the existence of these bodies depends on their having ready and convenient access to their training grounds, and that the preservation of the commons adjoining the Metropolis is absolutely necessary to the maintenance of those corps in a state of discipline and efficiency.

"8. Your Committee have also in thecourse of their inquiry investigated the operation of the 30th section of the Inclosure Act of 1845, authorising the Commissioners to appropriate allotments for purposes of exercise and recreation, with a view to ascertaining whether the powers of that section might be available towards the objects of Your Committee's reference, but they find that the land so to be appropriated is to be proportionate to the population of the parish in which the inclosure takes place—so that with regard to the metropolitan commons, the law to be administered by the Commissioners is one made for and solely applicable to rural districts. In inclosing Wimbledon Common, for example, the Commissioners would have regard to the population of Putney, Roehampton, and Merton, but none whatever to that of London.

"9. Your Committee find that the Commissioners have no power to regulate or control the allotments so made, and that so far as the present state of the law is concerned, without the voluntary action of the inhabitants, such allotted recreation ground may become a nuisance instead of a privilege to the adjoining occupiers.

"10. In offering suggestions for future legislation Your Committee cannot lose sight of the fact, confirmed by the general concurrence of the evidence they have received that, however imperfect and undefined may be the *servitus spatiendi* in regard to the public, the rights of the lords are in no case absolute and definite. In those instances in which they claim by descent, it is quite clear that their property has come down to them qualified by many conditions and interests; and where they have acquired by recent purchase, the amount of the purchase-money demonstrates incontestably the opinion of both vendor and purchaser as to the nature of the interest conveyed; Your Committee are therefore of opinion that no injustice will be done to any party by refusing any further legislative authority for the conversion of manorial into freehold rights. If the consent of the Legislature is needful for such conversion, it clearly is not a matter of absolute right, but can only be granted on grounds of public policy. On the same grounds, then, Your Committee think that such conversion may be refused. But Your Committee by no means desire to restrict the lord of any manor to the exercise of barren rights over the waste, and would authorise their purchase by a public authority at their present value, such value to be cetermined either by the Lands Clauses Consolidation Act, as in the case in which common lands are now taken for railway purposes, or such other machinery as to your Honourable House shall seem fit.

"11. Two points thence arise for consideration: the public authority to be invested with the necessary powers; and, the means of raising the requisite funds.

"12. Your Committee are of opinion that inasmuch as the Metropolitan Board of Works represents the Metropolitan ratepayers, and possesses the requisite machinery for the purchase and management of property, that no better public authority can be found to which to entrust the necessary duties; and inasmuch as the Legislature have already authorised that body to levy a tax on coals over the Metropolitan Police District, an area practically equivalent to a circle of 15 miles radius from the Metropolis, they think that would be a convenient limit within which to authorise the exercise of the powers proposed to be conferred on them in relation to commons; these Your Committee think should be compulsory in all cases where it may be necessary for their preservation that they should be purchased by the Board, and no inclosure or taking for railway or other purpose should be allowed within those limits without their consent. Beyond, up to a radius of 25 miles from London, Your Committee recommend that no inclosure or interference should be permitted, except by the express consent of the Legislature on a special report from the Inclosure Commissioners.

"13. The Metropolitan Board of Works have expressed their readiness to undertake the duty of preserving these commons, by a Resolution given in evidence by their Chairman to the effect—

"'That it is highly desirable to preserve the Open Commons and Spaces near the 'Metropolis for public recreation and enjoyment, and open spaces to remain uninclosed; 'and that the Board should compensate the Lords of the Manors and the Commoners for 'any rights of which they may be deprived. That towards meeting the expenditure to 'be incurred, power should be given to this Board to sell certain portions of such open 'spaces, for building or other purposes.'

"14. Your Committee are of opinion that such a mode of dealing with the case is a reasonable and proper one, and that, subject to the consent of one of Her Majesty's Principal Secretaries of State, the Board should be empowered to dispose of portions of the commons for building purposes, in order to meet the expenses incident to the purchase of the manorial rights. The retention of the purchased spaces in their present condition being

being most desirable, Your Committee do not think as a general rule it will be necessary to purchase the interests of the Commoners, their exercise being in no way detrimental to the enjoyment of the Commons by the public.

"15. An Honourable Member of the House has expressed to Your Committee his intention of conveying to the public use 1,400 acres of Banstead Downs in perpetuity, and Your Committee have reason to believe that his munificent example may hereafter be followed by others; power should therefore be given to hold such gifts, and to make proper provision for their maintenance; to this end, some extension of the Board's rating powers may be necessary.

"16. Your Committee's attention has been drawn to the great deterioration for public purposes of so much of Blackheath as in the Crown Manor of Greenwich. The Office of Woods and Forests, as the managers of Crown property, contend for the right to make the utmost shilling out of the Heath, regardless of any public considerations; and for a paltry revenue of 56 *l.* per annum the Heath within the Crown Manor is, by the reckless excavation of gravel, rendered nearly useless.

"17. Parliament having voted the Civil List during Her Majesty's reign, this income of 56 *l.* is practically a part of the national revenue. Your Committee are of opinion that, subject to the consent of the Crown, this portion of the Heath should be transferred to the Metropolitan Board of Works, either by grant or on a long lease at a nominal rent. The other portion of the Heath produces no revenue to the lord, and Your Committee believe that arrangements might be effected for placing the whole under the management of the Metropolitan Board of Works, and remedying the evils which have been so much and so long complained of.

"18. Power should also be given to the Board to make bye-laws for the regulation of Commons under their jurisdiction, to appoint common-keepers, and, in the case of those Commons already under arrangement, to become parties to such arrangement, and join in their regulation.

"19. Your Committee have not pursued the second branch of their inquiry, on the rights of the Crown over certain forest land at the same length as the first, inasmuch as the subject underwent a very full investigation by the Select Committee on Royal Forests in 1863. Your Committee have therefore considered they should sufficiently discharge their duty by ascertaining that things remain nearly in the same state at the present time as at the date of Your Committee's Report, with, however, an important addition—viz., that the Treasury have communicated with the Metropolitan Board of Works to ascertain their willingness to purchase the Crown's forestal rights over Epping Forest. The whole of the points at issue are very fully and lucidly displayed in the correspondence between the Treasury and the Board, printed in the Appendix; and it is obvious that the Board could come to no other conclusion than that stated in the final paragraph of their chairman's letter to Mr. Peel, of 18th October 1864, which runs as follows:—'The Board therefore, upon a review of the evidence they had obtained, considering the peculiar and limited nature of the forestal rights, and the costly and circuitous machinery by which alone they could be maintained—(a machinery, moreover, which they were advised it was very doubtful whether they could put in motion); considering further, that they were, by exceptional customs, debarred from the collateral aid of the common legal and statutory provisions for the protection of Commons and Open Spaces elsewhere available, and that the area to be dealt with was wholly beyond their jurisdiction, arrived at the conclusion that the case was not one with which their present powers enabled them to deal, or in which they could advantageously intervene; but they trust that Her Majesty's Government may be able, either by the exercise of the authority which they at present possess, or by such extension and amendment of it as they may be advised is necessary for the purpose, to find means to attain the very desirable object of preserving to Her Majesty's subjects the privileges in relation to the forest which they at present enjoy.'

"20. Your Committee see reason deeply to regret the course which has been pursued in reference to the Crown's forestal rights, and they by no means agree with the narrow and technical view taken of their duty by the officers of Her Majesty's Woods and Forests. The forestal rights are of very high antiquity, and although they may in the remote past have been oppressively exercised, yet they have in the course of ages been so mitigated and altered as to have been deprived of all hardship, and have for a very long period really been employed for the public benefit. Your Committee do not conceive the Office of Woods and Forests to be the trustees of the Crown's private estates, but a public department responsible to Parliament, and exercising its functions like other departments of State for the public good; and they consider the sales of the forestal rights for their market value a very imperfect mode of discharging a public trust. Still more imperfect a mode do Your Committee consider the course pursued since the Resolution of the House of Commons prohibiting further sale of the forestal rights, that of allowing the Crown rights gradually to fall into desuetude. Although it may be legally true that *nullum tempus occurrit regi*, yet public opinion would never suffer the revival of what had been lost by nonuser.

"21. Your Committee are of opinion that the Crown's forestal rights over Epping Forest should be conveyed to the Metropolitan Board of Works; that, in the proposed Bill,

the limits of the existing forest, all that which has not been disafforested should be described; that the forestal rights themselves should, under the advice of the Law Officers of the Crown, receive a statutory definition, and that breach of those rights within the Forest of Epping should be made a trespass at common law, and the damages be recoverable by the Board under the County Court Acts. No man's rights will thereby be affected; the new Statute would only be declaratory of the existing law, and the remedy provided is merely the substitution of modern machinery for that which has become clumsy and obsolete.

Motion made, and Question put, That the evidence already taken be reported to the House, with a recommendation that the Committee be re-appointed next Session—(Mr. *Cox*).—The Committee divided:

Ayes, 2.	Noes, 10.
Mr. Torrens.	Mr. Doulton.
Mr. Cox.	Mr. Locke King.
	Mr. J. Tollemache.
	Mr. Peacocke.
	Mr. Hanbury.
	Mr. Vance.
	Mr. Lyall.
	Mr. Buxton.
	Mr. Shaw Lefevre.
	Mr. Rose.

Motion made, and Question proposed, That the Draft Report proposed by the Chairman be now read 2°—Amendment proposed, To leave out the words "the Chairman," in order to insert the words "Mr. Doulton"—(Mr. *Doulton*)—instead thereof.—Question put, That the words "the Chairman" stand part of the question.—The Committee divided:

Ayes, 8.	Noes. 4.
Mr. Locke King.	Mr Doulton.
Mr. Vance.	Mr. H. Baillie.
Mr. Lyall.	Mr. J. Tollemache.
Mr. Buxton.	Mr. Peacocke.
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Rose.	
Mr. Cox.	

Main question put, and *agreed to.*

Draft Report, proposed by the Chairman, read 2°, paragraph by paragraph.

Paragraph 1, amended, and *agreed to.*

Paragraph 2, *postponed.*

Paragraph 3,—Question put, That this paragraph stand part of the proposed report.—The Committee divided:—

Ayes, 4.	Noes, 8.
Mr. Locke-King.	Mr. Doulton.
Mr. Peacocke.	Mr. H. Baillie.
Mr. Lyall.	Mr. J. Tollemache.
Mr. Shaw Lefevre.	Mr. Kinnaird.
	Mr. Vance.
	Mr. Buxton.
	Mr. Torrens.
	Mr. Cox.

Amendment proposed, instead of paragraph 3, to insert the following paragraph:—"3. The tenure of the several commons investigated by Your Committee is the same, although the customs of some manors vary slightly from those of others, and is as old as the common law itself, cases being alleged, Hampstead, for instance, in which the original grant from the Crown dates before the Conquest; and yet a very wide difference of opinion exists as to what the rights of the lords really are, and considerable doubt as to the means of enforcing those rights. On the one hand, it is contended that the lord can approve or inclose, of his own mere motion, leaving enough to satisfy the claims of the commoners; on the other, that he has a very limited right, very difficult to define, difficult to assert, and on which he can take no action without the assent of the Legislature. So again with the rights of freehold tenants of the manors, copyholders, and commoners: Your Committee found great difficulty in several cases brought under their notice in ascertaining how many of either class still remained; who they were, and what were their rights in relation to the common over which they claimed"—(Mr. *Cox*).—Question, That this paragraph be there inserted, put and *negatived.*

Paragraph 4, *postponed.*

Paragraph

Paragraph 5, *disagreed to.*

Paragraphs 13 and 14, *postponed.*

New paragraph inserted.

Paragraph 15, amended, and *agreed to.*

Paragraph 16.—Amendment proposed, to leave out the words, "and we cannot help observing that even if binding on legal tribunals, they appear to rest on no very intelligible principle"—(Mr. *Peacocke*).—Question, That those words stand part of the paragraph.—The Committee divided:

Ayes, 10.	Noes, 3.
Mr. Doulton.	Mr. Cowper.
Mr. Locke King.	Mr. Peacocke.
Mr. H. Baillie.	Mr. Lyall.
Mr. J. Tollemache.	
Mr. Kinnaird.	
Mr. Vance.	
Mr. Buxton.	
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Cox.	

Paragraph *agreed to.*

Paragraph 17, *agreed to.*

Paragraph 18.—Amendment proposed, to leave out from the word "considering" to the end of the paragraph—(Mr. *Cox*).—Question, That those words stand part of the paragraph, put, and agreed to.—Paragraph *agreed to.*

Paragraphs 19–23, *agreed to.*

Paragraph 24, *disagreed to.*

Paragraph 25.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes 5.	Noes, 7.
Mr. Cowper.	Mr. Doulton.
Mr. H. Baillie.	Mr. J. Tollemache.
Mr. Kinnaird.	Mr. Vance.
Mr. Peacocke.	Mr. Lyall.
Mr. Shaw Lefevre.	Mr. Buxton.
	Mr. Torrens.
	Mr. Cox.

Paragraph 26.—Amended, and *agreed to.*

Paragraph 27.—Amendment proposed, line 8, to leave out the words "the Metropolis," and insert the words "large towns"—(Mr. *Cox*)—instead thereof.—Question put, That the words "the Metropolis" stand part of the paragraph.—The Committee divided:

Ayes, 7.	Noes, 5.
Mr. Doulton.	Mr. H. Baillie.
Mr. Cowper.	Mr. Peacocke.
Mr. J. Tollemache.	Mr. Buxton.
Mr. Kinnaird.	Mr. Shaw Lefevre.
Mr. Vance.	Mr. Cox.
Mr. Lyall.	
Mr. Torrens.	

Amendment proposed, line 10, to leave out the words "so far at least as the metropolitan area is concerned"—(Mr. *Peacocke*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Doulton.	Mr. H. Baillie.
Mr. Cowper.	Mr. Kinnaird.
Mr. Lyall.	Mr. Peacocke.
	Mr. Vance.
	Mr. Buxton.
	Mr. Torrens.
	Mr. Shaw Lefevre.
	Mr. Cox.

Paragraph as amended, *agreed to.*

Paragraphs 28, 29, *agreed to.*

Paragraph 30, *disagreed to.*

Paragraph 31, amended, and *agreed to.*

Paragraph 32, *agreed to.*

[Adjourned to Monday next, at One o'clock.

Lunæ, 19° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Doulton.	Mr. Shaw Lefevre.
Mr. Cowper.	Mr. Torrens.
Mr. Locke King.	Mr. Kinnaird.
Mr. J. Tollemache.	Mr. Vance.
Mr. Peacocke.	Mr. Lyall.

Paragraph 33.—Amendment proposed, line 1, to leave out the words, "that with respect to all waste lands within the Metropolitan Area"—(Mr. *Shaw Lefevre*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Aye, 1.	Noes, 7.
Mr. Cowper.	Mr. Doulton.
	Mr. Locke King.
	Mr. Kinnaird.
	Mr. Peacocke.
	Mr. Vance.
	Mr. Torrens.
	Mr. Shaw Lefevre.

Amendment proposed, to leave out the words, "(1.) The Statute of Merton be repealed, as having fulfilled its purpose and been superseded by modern legislation, and as being especially ill adapted to commons and open spaces near the Metropolis"—(Mr. *J. Tollemache*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Ayes, 6.	Noes, 3.
Mr. Locke King.	Mr. Doulton.
Mr. Kinnaird.	Mr. Cowper.
Mr. Peacocke.	Mr. J. Tollemache.
Mr. Vance.	
Mr. Torrens.	
Mr. Shaw Lefevre.	

Amendment proposed, line 6, to leave out the words, "inclosures be sanctioned by Parliament for the future within that area," in order to add the words, "inclosures shall take place under the provisions of the Inclosure Act within the Metropolitan Area"—(Mr. *Shaw Lefevre*)—instead thereof.—Question, That the words proposed to be left out stand part of the paragraph, put, and *negatived.*—Question put, That the proposed words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 3.
Mr. Cowper.	Mr. Doulton.
Mr. Locke King.	Mr. J. Tollemache.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Vance.	
Mr. Lyall.	
Mr. Torrens.	
Mr. Shaw Lefevre.	

Paragraph, as amended, *agreed to.*

Paragraphs 34 and 35, amended, and *agreed to.*

Paragraph 36, *disagreed to.*

Paragraph 37.—Question, That this paragraph stand part of the proposed Report put, and *agreed to.*

Paragraph 38, *disagreed to.*

Paragraph 39, amended, and *agreed to.*

Paragraph

Paragraph 40,—Question put, "That the consideration of this paragraph be postponed."—The Committee divided:

Ayes, 6.	Noes, 3.
Mr. Doulton.	Mr. Cowper.
Mr. J. Tollemache.	Mr. Kinnaird.
Mr. Peacocke.	Mr. Shaw Lefevre.
Mr. Vance.	
Mr. Lyall.	
Mr. Torrens.	

Paragraphs 41–46, amended, and *agreed to.*

Paragraph 47.—Amendment proposed, lines 2, 3, to leave out the words, "Within the Metropolitan area"—(Mr. *Peacocke*)—Question put, "That those words stand part of the paragraph.—The Committee divided:

Ayes 4.	Noes, 5.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnard.	Mr. J. Tollemache.
Mr. Lyall.	Mr. Peacocke.
Mr. Shaw Lefevre.	Mr. Vance.
	Mr. Torrens.

Paragraph as amended, *agreed to.*

[Adjourned till To-morrow, at Twelve o'clock.

Martis, 20° die Junii, 1865.

MEMBERS PRESENT:

Mr. LOCKE in the Chair.

Mr. Peacocke.	Mr. Cowper.
Mr. Doulton.	Mr. Hanbury.
Mr. Kinnard.	Mr. Rose.
Mr. Torrens.	Mr. Cox.
Mr. Shaw Lefevre.	Mr. Vance.
Mr. Locke King.	Mr. Lyall.

Paragraphs 48–54, *agreed to,* with amendments.

Paragraph 55, amended.—Question put, That this paragraph, as amended, stand part of the proposed Report.—The Committee divided:

Ayes, 5.	Noes, 3.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Torrens.	Mr. Hanbury.
Mr. Shaw Lefevre.	
Mr. Rose.	

Paragraphs 56–58, *agreed to,* with amendments.

Paragraph 59, *disagreed to.*

Amendment proposed, instead of Paragraph 59, to insert the following paragraph:—"That recommendation of the Committee is, however, at variance with the Resolution of the House on the same subject That Resolution is as follows: That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to give directions that no sales to facilitate inclosures be made of Crown lands, or Crown forestal rights, within 15 miles of the metropolis"—(Mr. *Shaw Lefevre*).—Amendment proposed, at the end of the proposed paragraph to add the words, "Your Committee are of opinion that the House should adhere to such Resolution"—(Mr. *Cox*).—Question put, That those words be there added.—The Committee divided:

Ayes 4.	Noes 4.
Mr. Doulton.	Mr. Cowper.
Mr. Peacocke.	Mr. Kinnaird.
Mr. Hanbury.	Mr. Torrens.
Mr. Cox.	Mr. Shaw Lefevre.

Whereupon the Chairman declared himself with the Noes.

Proposed paragraph *agreed to*, and inserted in the proposed Report.

Paragraph 60, *agreed to.*

Paragraph 61, Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes 3.	Noes 5.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Shaw Lefevre.	Mr. Torrens.
	Mr. Hanbury.
	Mr. Cox.

Amendment proposed, instead of paragraph 61, to insert the following paragraph:—"Your Committee have to report that numerous inclosures have taken place within the Forests of Epping of land over which the Crown's forestal rights have not been purchased; that Your Committee find with regret that Her Majesty's Government have taken no measures to assert the rights of the Crown, over such lands so inclosed as aforesaid, and recommend that they take immediate steps to vindicate the Crown's forestal rights over such lands, and to abate such inclosures"—(Mr. *Peacocke*).—Question put, that this paragraph be there inserted.—The Committee divided:

Ayes, 7.	Noe, 1.
Mr. Doulton.	Mr. Cowper.
Mr. Kinnaird.	
Mr. Peacocke.	
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Hanbury.	
Mr. Cox.	

Amendment proposed after the last amendment, to insert the following paragraph:—"By the order of reference to the Select Committee of 1863 they were precluded from inquiring into the legality of the numerous sales of the Crown's forestal rights in Epping Forest, or the legality of the inclosures made within the limits of the Forest. No such restriction binds Your Committee, and they consider it proper to express their opinion that the sale of rights of the Crown without the express sanction of the Sovereign conveyed under the sign manual is at variance with the provisions of the Act of Parliament, 16 & 17 Vict. c. 56, s. 5; and that the legality of inclosures made in consequence of such sales must be open to question"—(Mr. *Torrens*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 2.	Noes, 5.
Mr. Torrens.	Mr. Doulton.
Mr. Cox.	Mr. Cowper.
	Mr. Kinnaird.
	Mr. Shaw Lefevre.
	Mr. Hanbury.

Paragraph 62, *disagreed to.*

Paragraph 63.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 7.	Noe, 1.
Mr. Doulton.	Mr. Cowper.
Mr. Kinnaird.	
Mr. Peacocke.	
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Hanbury.	
Mr. Cox.	

Paragraph 64.—Amendment proposed, to leave out from the words "public use" to the end of the paragraph—(Mr. *Cowper*).—Question put, That those words stand part of the paragraph.—The Committee divided:

Ayes, 5.	Noes, 2.
Mr. Doulton.	Mr. Cowper.
Mr. Kinnaird.	Mr. Torrens.
Mr. Peacocke.	
Mr. Hanbury.	
Mr. Cox.	

Paragraph *agreed to.*

Paragraphs 65–69 *agreed to*, with amendments.

Paragraph

Paragraph 70.—Amendment proposed, line 3, to leave out the words, "Within the metropolitan area"—(Mr. *Peacocke*).—Question put, That these words stand part of the paragraph.—The Committee divided:

Ayes, 4.	Noes, 4.
Mr. Cowper.	Mr. Doulton.
Mr. Torrens.	Mr. Kinnaird.
Mr. Shaw Lefevre.	Mr. Peacocke.
Mr. Rose.	Mr. Vance.

Whereupon the Chairman declared himself with the Ayes.

Paragraph *agreed to.*

Paragraph 71.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Shaw Lefevre.	Mr. Torrens.
Mr. Rose.	
Mr. Cox.	

Paragraphs 72, 73, *disagreed to.*

Paragraph 74,—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Cooper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Shaw Lefevre.	Mr. Torrens.
Mr. Rose.	Mr. Cox.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 75.—Question put, that this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Shaw Lefevre.	Mr. Torrens.
Mr. Rose.	Mr. Cox.

Whereupon the Chairman declared himself with the Ayes.

Paragraph 76.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Shaw Lefevre.	Mr. Torrens.
Mr. Rose.	Mr. Cox.

Whereupon the Chairman declared himself with the Ayes.

Paragraphs 77–80, *agreed to,* with amendments.

Paragraph 81.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 8.	Noes, 2.
Mr. Doulton.	Mr. Torrens.
Mr. Cowper.	Mr. Cox.
Mr. Kinnaird.	
Mr. Peacocke.	
Mr. Vance.	
Mr. Lyall.	
Mr. Shaw Lefevre.	
Mr. Rose.	

Paragraph 82.—Question put, "That this paragraph stand part of the proposed Report."—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Torrens.	Mr. Cox.
Mr. Shaw Lefevre.	
Mr. Rose.	

Paragraph 83.—Amendment proposed, to leave out the words, "That the police should have jurisdiction to act within all open spaces in the Metropolitan area—(Mr. *Doulton*).—Question put, "That the words, 'That the,' stand part of the paragraph."—The Committee divided:

Ayes, 6.	Noes, 4.
Mr. Cowper.	Mr. Doulton.
Mr. Kinnaird.	Mr. Peacocke.
Mr. Lyall.	Mr. Vance.
Mr. Torrens.	Mr. Cox.
Mr. Shaw Lefevre.	
Mr. Rose.	

Amendments made.—Paragraph, as amended, *agreed to.*

Paragraph 84.—Amended, and *agreed to.*

Paragraph 85.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 7.	Noes, 3.
Mr. Doulton.	Mr. Peacocke.
Mr. Cowper.	Mr. Vance.
Mr. Kinnaird.	Mr. Cox.
Mr. Lyall.	
Mr. Torrens.	
Mr. Shaw Lefevre.	
Mr. Rose.	

Remaining paragraphs, *agreed to*, with amendments.

Amendments proposed, after the last paragraph, to add the following paragraph:—That the case of Hampstead Heath is exceptional, and Your Committee think that having regard not only to the use by the Metropolitan Public from time immemorial of the Heath, but also to the fact that it is a place of resort for all persons whether from the country or foreign parts, it is desirable that the same should be purchased by the Government—(Mr. *Cox*).—Amendment proposed, to leave out the words, "by the Government," at the end of the proposed paragraph, in order to add the words, "for the public benefit"—(Mr. *Vance*)—instead thereof.—Question put, That the words, "by the Government," stand part of the proposed paragraph.—The Committee divided:

Ayes, 2.	Noes, 8.
Mr. Doulton.	Mr. Cowper.
Mr. Cox.	Mr. Kinnaird.
	Mr. Peacocke.
	Mr. Vance.
	Mr. Lyall.
	Mr. Torrens.
	Mr. Shaw Lefevre.
	Mr. Rose.

Words *added.*—Question put, That the proposed paragraph as amended be inserted in the proposed Report.—The Committee divided:

Ayes, 3.	Noes, 7.
Mr. Peacocke.	Mr. Doulton.
Mr. Vance.	Mr. Cowper.
Mr. Cox.	Mr. Kinnaird.
	Mr. Lyall.
	Mr. Torrens.
	Mr. Shaw Lefevre.
	Mr. Rose.

Postponed Paragraph 2.—Amendment proposed, line 14, to leave out the word "fifteen" in order to insert the word "twenty"—(Mr. *Cox*)—instead thereof.—Question, that the word "fifteen" stand part of the paragraph, put and *agreed to.*—Paragraph *agreed to.*

Postponed

Postponed paragraph 4.—*Agreed to.*

Postponed paragraph 13.—*Disagreed to.*

Postponed paragraph 14.—*Agreed to.*

Postponed paragraph 40.—Amendment proposed to add the words, "Your Committee are of opinion that power should be given to the Metropolitan Board of Works to purchase manorial or commoners' rights over commons within 15 miles of the Metropolis"—(Mr. *Peacocke*)—at the end of the paragraph.—Question put, "That those words be there added."—The Committee divided:

Ayes, 4.	Noes, 6.
Mr. Doulton.	Mr. Cowper.
Mr. Peacocke.	Mr. Kinnaird.
Mr. Vance.	Mr. Lyall.
Mr. Torrens.	Mr. Shaw Lefevre.
	Mr. Rose.

Paragraph *agreed to.*

Question, That this Report as amended be the 2d Report of the Committee to the House, put and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d	£. s. d.	£. s. d.
James Warren - -	- - -	Chingford -	2	- 5 -	2 2 -	2 7 -
Charles Watkins -	Forest keeper -	Chingford -	1	- 2 -	- 10 -	- 12 -
Joseph Hockley -	Solicitor - -	Godalming -	1	- 12 -	2 2 -	2 14 -
Thomas Russell -	Solicitor - -	Guildford -	1	- 9 -	2 2 -	2 11 -
Sir Thomas Maryon Wilson.	Baronet - -	Maidstone -	2	1 5 -	2 2 -	3 7 -
William Taylor - -	Barrister-at-Law -	Ramsgate -	2	1 10 -	2 2 -	3 12 -
					TOTAL - - - £.	15 3 -

LIST OF WITNESSES.

Jovis, 6° *die Aprilis*, 1865.

The Honourable Charles A. Gore - 1
Mr. James Anderson Rose - - 2

Jovis, 27° *die Aprilis*, 1865.

Thomas Turner, Esq. - - - 9
Colonel Alcock - - - - 14
Philip Hemery Le Breton - - 15
Josiah Wilkinson, Esq. - - - 20

Lunæ, 1° *die Maii*, 1865.

Henry Mason, Esq. - - - 21
George White, Esq. - - - 27
Thomas Alers Hankey, Esq. - - 28
Mr. Robert John Phillip Jaquet - 29
Mr. James Levick - - - 30, 34
Robert Brooks, Esq., M.P. - - 31

Jovis, 4° *die Maii*, 1865.

Harry Burrard Farnall, Esq. - - 35
Mr. Charles Augustin Smith - 37, 42
The Rev. William Aldwin Soames - 38
Mr. Thomas Parker - - - 40
Mr. Stephen Riddington - - 41
Mr. John Douglas - - - - 42
Mr. Frederick James Clark - 43
Mr. Thomas Drake - - - 51
Mr. Charles Graham - - - 53

Lunæ, 8° *die Maii*, 1865.

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Alfred Atkinson Pollock, Esq. - 55
Vice Admiral William Alexander Baillie Hamilton - - 57, 64
Professor George Biddle Airy - 59
The Honourable Charles A. Gore 60
Mr. John Clutton - - - 63
Mr. Frederick James Clarke - 64
Mr. David Potter - - - 64
Mr. John Peter Gassiot - - 64
Robert Hudson, Esq. - - - 67
Mr. Benjamin Field - - - 68
John Hawkins, Esq. - - - 69
Mr. Chester Chester - - - 69
Mr. Richard Ellis - - - 70
Mr. James Lovegrove - - - 72

Jovis, 11° *die Maii*, 1865.

Mr. Henry Doulton - - 75, 82
William James Thompson, Esq. - 78
Mr. Henry Peale Bird - - - 83
John Thwaites, Esq. - - - 88

Lunæ, 15° *die Maii*, 1865.

The Honourable James Kenneth Howard - - - - - 96
Mr. C. W. H. Sotheby - - 109

Jovis, 18° *die Maii*, 1865.

Peter Erle, Esq. - - - - 112
Mr. James Wells Taylor - - 115
Mr. James Warren - - - 115
Mr. Charles Watkins - - - 116
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Lunæ, 22° *die Maii*, 1865.

Mr. George Shillibeer - - - 130
Mr. William Delano - - - 135
Mr. William Stewart Forster - 136

Jovis, 25° *die Maii*, 1865.

Sir Denis Le Marchant, Bart., Cl. Dom. Com. - - - - 146
Mr. Thomas Russell - - - 150
William Tayler, Esq. - - - 151

Lunæ, 29° *die Maii*, 1865.

Sir Thomas Maryon Wilson, Bart. 155
Mr. William Delano - - - 159
George Wingrove Cooke, Esq. - 160
Mr. James Scott - - - - 168

MINUTES OF EVIDENCE.

Jovis, 6° die Aprilis, 1865.

REFORM CLUB
PALL MALL

MEMBERS PRESENT:

Mr. Baillie.
Mr. Buxton.
Mr. Cowper.
Mr. DuCane.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. John Tollemache.
Mr. Torrens.
Mr. Vance.

JOHN LOCKE, Esq., IN THE CHAIR.

The Honourable CHARLES A. GORE, called in; and Examined.

The Hon. *C. A. Gore.*

6 April 1865.

1845. *Chairman.*] WHAT office do you hold?—I am a Commissioner of Woods and Forests.

1846. Has your attention been brought to the scheme of Earl Spencer for the inclosure of Wimbledon Common?—Yes.

1847. I believe you made a Report upon it?—I communicated with Earl Spencer upon the subject.

1848. Did Lord Spencer submit his scheme for your consideration?—No; I think it was when Lord Spencer's proposed Bill for dealing with Wimbledon Common was brought forward that my attention was called to it for the first time.

1849. Has the Crown any rights over Wimbledon Common?—The Crown is the owner of some lands in the Manor of Wimbledon, which were enfranchised in 1849, and in the deed of enfranchisement a re-grant was made of the rights of common over the Manor of Wimbledon.

1850. Was it in consequence of the rights of the Crown that your attention was particularly directed to Lord Spencer's scheme?—Yes.

1851. Will you be good enough to state what are the rights of the Crown over Wimbledon Common?—I can best do that by reading an extract from the Deed of enfranchisement of copyhold lands at East Sheen, at Mortlake, in Surrey. It is dated 2d February 1849, and by that deed "all the rights of common whatsoever at any time heretofore held with or belonging to or granted in respect of the said copyhold hereditaments, were granted to the Crown."

1852. Of what did those rights consist?—I cannot say, because they have not been settled; Lord Spencer, as I believe, denies that there are any rights of common; the Crown, on the other hand, claims rights of common in respect of those lands at Mortlake.

1853. Is that precisely in the same way as any other copyholder?—I imagine so, but not being aware of what the rights of other copyholders may be, I am unable to answer that question with precision.

1854. The rights of the Crown, in point of fact, are undefined?—They are in respect of these inclosed Crown lands, at East Sheen.

1855. But you cannot define what those rights are, that is to say, whether you have the right of turning on a certain number of cattle, or of digging gravel?—The right would be that of turning on cattle, I apprehend, and not of digging gravel. There was a Parliamentary survey made in the time of the Commonwealth, in 1649, of Wimbledon Common, and that pointed out the rights which belonged to the lord and to the commoners.

1856. What were those rights?—Amongst the customs of the manor there is the following: "Every cottager that is a coppyhouldr. of the said manor may keepe on the commons within the sayd manor twentie-five sheepe, two cows, one mare, and a coult, and is to have once in every yeare allowed him one carteload of cropp wood from off the pollards of the said commons, and he that has fifteene acres, or the greater pte of fifteene acres of copiehould land is to have the like libertie of commoning and fire boote."

1857. What do you understand that the Crown might claim by virtue of that custom?—What the precise rights are would have to be settled by the Inclosure Commissioners.

1858. But when you go before the Inclosure Commissioners, of course you state what you consider your rights to be?—That would have to be examined into, and a claim prepared.

1859. You would have to prepare a claim?—Yes.

1860. What claim would you prepare?—I could not tell you off-hand.

1861. How did the Crown originally obtain this land?—It was part of the private property of King George the Third, and was transferred to

The Hon. *C. A. Gore.*

6 April 1865.

to the Commissioners of Woods in 1820. The place is called the Marsh-gate Farm.

1862. That is in East Sheen?—In East Sheen.

1863. Mr. *Kinnaird.*] Does it appear on the plan which has been handed in?—No, the plan does not comprise Mortlake.

1864. Mr. *Locke King.*] Amongst other rights you would claim that of cutting gorse, would you not?—I cannot go into the details of the rights that would be claimed.

1865. Mr. *Peacocke.*] You have not looked carefully into this subject, I presume?—No; but I saw a Bill that I thought was prejudicial to such rights as the Crown might have, and I felt it to be my duty to call Lord Spencer's attention to it.

1866. I suppose it is not the custom of your department to enforce such common rights as they may possess?—The Crown would usually claim compensation for common rights, at the time when an inclosure took place.

1867. Except when an Inclosure Bill is pending, you do not enforce the rights of the Crown which it may possess over commons?—Generally speaking, the lands of the Crown are let on lease, and then the lessees of those lands that may have common rights may or may not exercise them.

1868. Is this land let on lease?—It is.

1869. You believe the Crown to possess those rights that you have referred to in your Report?—Yes.

1870. Mr. *Torrens.*] In calling Lord Spencer's attention to his scheme, did you, in your Report, point out how the rights of the Crown would be interfered with if his scheme were carried into effect?—By the inclosure, I apprehended they would be interfered with, and I stated, generally, the objections which I felt to the Bill.

1871. Can you put that letter in?—I wrote a letter to Lord Spencer's solicitor on the 12th of January 1865, in which, acting on behalf of the Crown, I stated generally the objections to the clause in the Bill proposed.

1872. Mr. *Shaw Lefevre.*] What is the extent of ground in respect of which the Crown claims these rights?—I think it is 40 acres.

1873. In what parish?—In the parish of Mortlake.

1874. Adjoining the common?—No.

1875. Mr. *Kinnaird.*] Did you take the opinion of the legal adviser in your office before you wrote those letters to Lord Spencer?—Yes.

1876. Have you with you a copy of his opinion?—No, I did not take the opinion of counsel.

1877. What did your legal adviser advise?—He advised that the Crown should communicate with Lord Spencer on the subject of the Bill as interfering with the rights of the Crown.

1878. He himself thinking that there was something in the claim?—Yes.

1879. Have you taken counsel's opinion upon the matter?—No, it has not been necessary to do so.

1880. Is it the intention of the office to take counsel's opinion?—No, I shall wait to see the course that is taken in the progress of the Bill.

1881. Mr. Alderman *Rose.*] Have you anything to do with Wandsworth Common?—No, the Crown has no interest whatever in Wandsworth Common. There is no open space near London in charge with me with which the Crown is concerned, except a small portion of Blackheath.

1882. I think you stated at one time that Wandsworth was under your charge?—Epping Forest was so for a year or so, but now it is under Mr. Howard.

Mr. JAMES ANDERSON ROSE, called in; and Examined.

Mr. *J. A. Rose.*

1883. Mr. Alderman *Rose.*] You are a Solicitor?—Yes, I am.

1884. Do you own any property adjoining Wandsworth Common?—I do; about five acres on the east side of Wandsworth Common.

1885. How long have you resided there?—I have lived there 13 years.

1886. Do you produce the Ordnance map showing Wandsworth Common?—Yes.

1887. How much of that common was inclosed when you went to reside there?—This map represents correctly the common 13 years ago; there were no inclosures made, except possibly that piece in front of Mr. Wilson's house; with that exception there were no inclosures there.

1888. In what state was Wandsworth Common when you went to reside there, so far as the rights of enjoyment of it by the public were concerned?—Wandsworth Common was then in the same position as Clapham Common is now, except that it was more rural, and in many respects more beautiful than Clapham Common is.

1889. Will you explain to the Committee what inclosures have been made since you have resided there, taking them in their order so far as your memory serves you?—The first inclosure made within my knowledge in the 13 years I have lived there was made by the parish of St. James', Piccadilly, for a workhouse, or parochial school. The next inclosure, possibly, but I am not certain as to date, was by the railway running right through it. The next was by the railway contractors taking this piece here, which was taken by the railway for the purpose of excavation, to make their embankment up to the Crystal Palace; that piece was, I think, 13 acres, and has been excavated 30 or 40 feet, and is left in that state now. The next inclosure, I think, was a piece for the patriotic school. Then some pieces were inclosed by Mr. McKenna, who lived at the bottom house. He inclosed first that piece at Nightingale Lane, next this triangular piece of the common; I am not sure whether that piece was inclosed by Mr. McKenna, or by the owners of property on this side, I believe it was by Mr. McKenna, but I am not certain of it; and within the last few months this piece, up to the main road which leads to Hampton Court, Kingston, and Richmond, was inclosed. I am not certain as to the dates of these inclosures, but they are all within the last 13 years.

1890. Have these inclosures been made under the Inclosure Act?—Not under the Inclosure Act; I am not aware by what authority they have been made. They have been generally considered in the neighbourhood to have been made by no law or right whatever.

1891. In making these inclosures were public footpaths interfered with?—Yes, there were public footpaths over Wandsworth Common, the whole of which have been stopped up except one which crosses it in the centre from the station, at the junction

junction of the Wandsworth Road with the road at the end of Nightingale Lane; there is that one footpath left which crosses the common in a straight line.

1892. Besides the public footpaths which were interfered with or entirely destroyed, were footpaths left when the inclosures were made up to the public highway?—No, the inclosures have been made up to the carriage-way or horse-road, without leaving any space for footpaths, or without leaving the footpaths. Thus, the St. James' parish inclosed right up to the horse-way; Mr. McKenna on three sides of his piece has no footpath, and this road, which is the only main or lateral road across this district for miles either way, has no footpath at all; it is covered with mud in the winter, and scarcely passable.

1893. With regard to the drainage, in what state was Wandsworth Common as to that when you first went to live there?—The drainage of Wandsworth Common was kept in good order 13 years ago by the inhabitants who held a lease of it; they excavated gravel at certain points, but did so so as to make the places, where the gravel was excavated from, ornamental water; the common drained into those places, and highlands were left so as to increase the beauty of the common; and it being a table land of gravel, the water was drained off in all directions on each side of the common, leaving the common itself perfectly drained.

1894. In what state is Wandsworth Common as to drainage now?—Wandsworth Common is a morass now; it has been excavated to such an extent that the whole of the space from Nightingale Lane up to the centre of the common is under water all the winter; it was under water up to the 20th of March when I was there, and is now to a considerable extent; and, although in the summer the water soaks away, it leaves the common in a very bad state, so that it cannot be used for any purpose.

1895. Do you consider the present condition of the common as to drainage prejudicial to health?—Certainly I do: this piece where the excavations were made for the railway, and this piece here, are full of water, and, of course, there are exhalations from that, so that Wandsworth Common is at present, I consider, an unhealthy place.

1896. With regard to the digging of gravel and turves, have those rights been exercised during the last few years, so as materially to abridge the enjoyment to be derived by the public from the common?—Yes; in the olden time the excavations were made so as to preserve the beauty of the common, and its use and enjoyment by the public, but of late years, especially the last five years, the gravel has been excavated in extraordinary quantities, so that the common is now pratically not useable by the public at all; it is full of pits and water. I, with two of my neighbours, took the dead body of a man out of one of those pits who had fallen in, the pit having been dug in the direction of a public path, and the height of the soil from the water being so great that he could not reach up and was drowned.

1897. In the whole area of Wandsworth Common is there a sufficient level space left anywhere for a cricket ground?—No; there is no space left now where athletic sports could be carried on, except this small triangular piece towards Wandsworth Town.

1898. Have you read that passage in the speech of Earl Spencer at the meeting at Wimbledon held on the 11th November 1864 wherein he says, "I also wish to ask for the advice and opinion of many others who are nearly to an equal extent, or certainly to a great extent, interested in the matter; those who live here and have property in the neighbourhood"?—Yes.

1899. Do you know whether the inclosures of Wandsworth Common have been made with the advice and approval of those living there, and having property in the neighbourhood?—I have read that paragraph in Earl Spencer's speech, and in answering your question I should say that these inclosures have been made contrary to the wish and without the approval of the persons living there, or having property in the neighbourhood, except possibly Mr. McKenna, who made these inclosures; he lived in the neighbourhood, and probably he was an exception to my remark.

1900. Have you read the following passage made by Earl Spencer in the same speech—"I have always endeavoured to fulfil my duties in those respects in a disinterested and unselfish manner. I have always endeavoured to consult, as far as I could, the interests of the place when I found they were consistent with what I considered my public duty." Do you consider the interests of the place have been consulted by making the inclosures you have described?—I do not. I consider the interests of the place have been totally sacrificed.

1901. Have the opinions or wishes of the inhabitants been considered or ascertained with reference to such inclosures?—The opinions and wishes of the inhabitants have been totally opposed to these inclosures, which they consider disastrous to the neighbourhood altogether; and they have, besides, a strong sense that they are done illegally, and contrary to law and justice.

1902. Was Wandsworth Common formerly held on lease by a certain number of the residents there?—I do not speak of my own knowledge, but I believe that Wandsworth Common was held on lease by a certain number of the inhabitants of the district, the same as Clapham Common is now, and that they kept it in order by means of a subscription amongst themselves for that purpose.

1903. Did they keep it in order for public use and enjoyment?—They did keep it in order as an open space for public use and enjoyment, and preserved it as a picturesque spot, taking gravel and turf only under such conditions as would preserve its beauty and use.

1904. When that lease expired by effluxion of time, did a deputation of the inhabitants wait upon the lord of the manor, to request him to renew the lease?—I was not present, and cannot speak of my own knowledge, but I believe a deputation of the inhabitants did wait on Earl Spencer, and requested him to grant a new lease of Wandsworth Common, upon condition that they would preserve it as a public place for public use and enjoyment.

1905. What answer did he give to that request?—He refused their request.

1906. Since that time has there been any common-keeper to keep it in order, or prevent nuisances?—Since that time there has been one, but there is now none.

1907. Is there an avenue of trees on one side of Wandsworth Common?—Yes, there is an avenue of trees nearly a mile long, on the east side, running from north to south.

Mr. *J. A. Rose.*
6 April 1865.

1908. Has that avenue been neglected, and partially destroyed by the inclosures or the gravel digging?—That avenue was a mile long, and the gravel has been dug right up to the trees on one side, so that one half of them are wholly destroyed, and the other half are in such a bad condition that they might as well be taken away. The inclosure last made, within the last 12 months, is inclosed right up to the trees there, so that they will be destroyed; there is only a single row there; the rest of the avenue is a double row; but those trees will be destroyed, no doubt.

1909. *Chairman.*] In front of what place is that?— In front of the cemetery and Mr. Wheeler's property. That inclosure, made this year, has inclosed right up to the carriage-way, and there is no footpath there either, on the north side.

1910. Mr. Alderman *Rose.*] I believe Earl Spencer is the lord of the manor of a considerable portion of Clapham Common?—Yes.

1911. Have any inclosures been made there?—No.

1912. Has a new lease been lately granted for a term to trustees of the inhabitants of Clapham Common?—I do not know it of my own knowledge, but I believe it is common knowledge that a new lease has been granted by Earl Spencer for 30 years of such portion of Clapham Common as he is lord of. The brother of the rector of Clapham, Mr. Bowyer, is the lord of another portion of it; but a new lease has been granted to the inhabitants of Clapham Common.

1913. Is that common preserved for the public use and enjoyment of the inhabitants and the public generally?—Yes; it is preserved at a very small cost. Mr. Puckle, who had the management of it, told me that it cost only 400 *l.* a year. I see they have been spending a little lately, having a new lease; but the cost of keeping up the common is very small. There are no inclosures, and it is preserved, so as to be of the greatest possible service to the public. There is a large space for cricket on a level, and a large space behind that kept, with gorse, in a wild state of nature, so that Clapham Common is of the greatest possible use and enjoyment to the people.

1914. What difference is there between Clapham Common and Wandsworth Common?—If the question refers to the difference between inclosing Clapham Common and inclosing Wandsworth Common, it is this: that round Clapham Common there are numberless mansions and palatial residences, occupied by very rich men, with a rental altogether exceeding 50,000 *l.* a year, and any inclosure interfering with Clapham Common would be resisted strenuously by those persons having the wealth and the will to resist any interference with it; but Wandsworth Common is occupied, so to speak, by poor districts; it belongs principally to Wandsworth Town, which is filled with poor people.

1915. *Chairman.*] Not all of it?—Not the whole of it; but the persons who reside round the common are few in number, and not sufficient to find the money or the courage to contend with the lord of the manor. His lordship would have a definite object in view, and unbounded funds to pursue it; while those who associated together round Wandsworth Common would have an indefinite object in view, and very little funds, besides the uncertainty of the law at the present time with regard to these inclosures, so that probably every stage of the process would be attended with enormous expense. We have had several meetings there.

1916. But there are some large houses round the avenue of trees, are there not?—There is Mr. Wheeler's, a very wealthy gentleman, who lives near that part, and next to him two maiden ladies of the name of Champion, next to them there is the Freehold Land Estate, then Mr. L——. Practically, there are only two people along the whole of that mile; and along this road there are only four persons residing, of whom I am one; therefore, practically, there are only these persons who would coalesce together in resisting the right to inclose the common, and there are not many more on the other side, because the railway has so divided the common that we who live on this side do not know those who live on the other.

1917. Mr. Alderman *Rose.*] Mr. Forster in his letter to the Honourable Mr. Gore, of the 4th February 1865, says "For many years past his lordship has experienced a great and increasing difficulty in fulfilling the duty which his position as lord of the manor of Wimbledon and Wandsworth imposes upon him; I refer more particularly to the duty of preventing and punishing encroachments, and preserving the common from nuisances." Are you aware that the lord of the manor or his agents have prevented encroachments, or preserved the common from nuisances?—I am not aware of any encroachments which have been made, or nuisances committed, other than those by the sanction of the lord of the manor or his agents.

1918. Do you consider gipsies a nuisance?—Personally, I do not; they generally come in front of my house, and I like gipsies. I may say I never lost anything since I have been there from gipsies who have squatted in front of my house; but there is a class of persons on Wandsworth Common who are very objectionable, and those are the persons who come from the gaol, and who, after the expiration of their sentence, do congregate on this common in considerable numbers; I am not aware that they have ever been removed or interfered with by the lord of the manor, but they have been interfered with by the police. The police, when the nuisance gets to a head, as it does from time to time, interfere, and some of them are taken before the magistrates, and that nuisance is abated; but as to gipsies I can only say I never lost anything from them since I have been there.

1919. *Chairman.*] Is the gaol on the common?—No, it is on the edge of the common.

1920. Was the spot on which the gaol is placed formerly a part of the common?—I cannot say; there are two parts in front of it which have been inclosed within my 13 years which were a part of the common, but as to the other I do not know.

1921. Is there an asylum on the other side?—It is some distance from the common, down Garratt Lane.

1922. Mr. *Kinnaird.*] Who has appropriated the two pieces outside the gaol?—I believe the county magistrates have inclosed them; but I am not certain as to that.

1923. What right have they to inclose?—I am not aware of any.

1924. Mr. Alderman *Rose.*] Mr. Forster in the same

same letter to the Honourable Mr. Gore of the 14th of February 1865, writes that part of the common could be inclosed "by virtue of an independent custom which had immemorially prevailed in both manors" (he is writing of Wimbledon and Wandsworth). "In former times inclosures had been effected in both manors by these means; in the case of Wandsworth very extensively." Assuming that that Ordnance map correctly represents Wandsworth Common, and that all those inclosures marked black have been made within the last 13 years, that is since you have lived there, can it be correctly represented that a custom of inclosure has immemorially prevailed?—I think it is a misuse of words to speak of these inclosures as the result of a custom.

1925. "Within the last 13 years" does not mean, properly speaking, "former times," does it?—What I understand as "former times" is, before our day; I think it is a misuse of terms to speak of these inclosures as having been in former times.

1926. Can you give the Committee any reasons why the inclosures of Wandsworth Common have not been resisted?—I think I have given the reason, that there is a difference between Wandsworth and Clapham and Wimbledon. There is a large and wealthy body of residents round Clapham and Wimbledon, who would find the money for going to law, but there is not that body round Wandsworth; Wandsworth has been sacrificed, while both the other districts have hitherto been preserved, in consequence, I believe, of the difference in their condition.

1927. Mr. *Shaw Lefevre.*] Do you consider that Wandsworth Common is as much used by the public as the other commons that you spoke of?—Not so much as Clapham, because it is nearer to London, and has a larger population living there.

1928. Previous to these inclosures that you were speaking of, was it much used by the people of London?—Very much, in fine weather.

1929. And also by the people of Wandsworth?—Yes.

1930. Is there a considerable population in Wandsworth?—I believe the population of Wandsworth now is about 10,000.

1931. Does a part of the common immediately adjoin that?—Yes; the end of the common adjoins the town of Wandsworth.

1932. What is the extent of open space now?—The extent left uninclosed, I should think, judging only by the eye, is one-half.

1933. How many acres?—I cannot tell.

1934. It is about half what it was originally?—Yes.

1935. Are you a freeholder?—I am not; I hold my land for 90 years, at a peppercorn; I believe Mr. DuCane is the freeholder of the property I hold.

1936. Are there any claims to rights of common in respect of that property?—I am not aware.

1937. Are there any claims of any kind to rights of common over that common?—I am not aware of any rights of common at all.

1938. Are cattle turned out on the common?—Yes, there are some, but it is a very dangerous place to turn cattle out, and there are very few turned out there.

1939. Before these inclosures that you were speaking of, and before the ground was so extensively dug up for gravel, was a considerable number of cattle turned out?—I think so; but I cannot speak positively of my own knowledge. It was pasture ground to a great extent then, but now it is in such a condition that no pasture can be properly said to exist there.

1940. You do not know what rights of common there are?—I do not.

1941. Has there been no inquiry on the part of the inhabitants?—There have been inquiries, but we have ascertained that the copyholders are very limited in number, and are entirely under the influence of the lord.

1942. Can you tell us what number of copyholders there are?—I cannot.

1943. Do you know of any meeting of the copyholders with respect to the inclosure?—I do not.

1944. When the railway was made, was there any petition by the inhabitants against the railway coming through the common?—I am not aware.

1945. When did the lease which the inhabitants held, expire?—I can only tell from memory. I should think from five to seven years ago. I remember the deputation going to the lord of the manor.

1946. *Chairman.*] Now at the other end of the common, there is Tooting, is there not?—Yes.

1947. What is the population of Tooting?—I do not know, but it is considerable; and the building land belonging to private owners is coming into use.

1948. There are a great many houses being built, are there not, between that end of the common and the Tooting high road?—Yes, it is being laid out for buildings extensively; this strip of Wimbledon Common is being built on, and this triangular piece, on the death of Mr. McKenna, was sold by auction without a title, and is now being built on.

1949. Mr. *Kinnaird.*] Without a title, you say?—Yes.

1950. Do you know how that was?—It was sold in various plots to building societies. I had the particulars and conditions of sale, but not liking the conditions of sale, I did not buy any.

1951. Have you ever made any attempt to purchase any land on the common?—I have.

1952. Who did you apply to?—I applied to Frere & Co., the agents of Lord Spencer. I have a letter in my hand, which I wrote at the time.

1953. You were anxious to secure a portion to yourself?—No; I will explain that; Mr. McKenna was inclosing the whole of the common opposite to my house, and an application was made to me by a gentleman living in Nightingale Lane, to buy some for him; I told him that I did not approve of the inclosure of the common at all; but if anybody was entitled to inclose the common, it was those who had property adjoining it, and I did apply to the agent of the lord of the manor on behalf of myself, Mr. Jones, who lives next to me, and Mr. Coventry, to be allowed to inclose that piece, if it was inclosed; but I said in my letter that I ought to add that whilst I myself would far sooner the common was retained as an open space, for the use and enjoyment of all classes, rich and poor, I had long agreed with my neighbour Mr. Jones, that if the inclosure was made, we would purchase; I applied solely to prevent some one inclosing in front of my house; and the lord of the manor allowing one man, as it appeared, to inclose everything, we thought that if inclosures were made, we should have our share.

1954. What is the date of that letter?—9th August

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August 1860. That is a letter. That is to a gentleman who had applied to me to assist him in obtaining some common land. I, then, on the 6th November 1860, wrote to Messrs. Goodford, Frere, and Co. upon the subject.

1955. What answer did you get to that?—It is dated 9th November. "We have received your letter of the 6th instant, and will give you a definite reply as soon as we can; but Lord Spencer is not very desirous of parting with any of the common at Wandsworth, so much having been already inclosed, and we believe he has previous applications for it for a particular purpose. If you are in a position meanwhile to make an offer, it might facilitate matters." That is the answer I received.

1956. From that answer, did you make an offer?—I did not.

1957. You let the matter drop?—Yes.

1958. And things remained as before?—Yes.

1959. That space here remained uninclosed?—Yes, it remained uninclosed; I applied for it because I wanted to drain it; it is, I believe, the property of the railway company, or possibly the contractors, who have bought it to excavate ballast from, and have left it in its present condition; but I cannot ascertain with exactitude.

1960. Were you a resident at the time the railway works were in operation?—Yes.

1961. You remember the fact of the railway coming there?—I do.

1962. Did they not pay some compensation to the parish, or was not some arrangement made with the parish for purchasing certain rights to enable them to proceed with their works?—I am not aware.

1963. You never heard that?—I never heard it.

1964. You do not believe that the parish put in any claim?—I cannot speak to belief, because I never heard, and I do not know the fact.

1965. Was any attempt at opposition made to the railway destroying the common?—Yes.

1966. To what extent?—There was an opposition by Mr. Clarkson, but his opposition was got rid of by a clause being inserted in the Railway Act to provide specially for his damage, whatever it might be, which was referred.

1967. And he got heavy damages?—He got 3,500 *l.*, or rather he died, and his executors went on with the arbitration before Mr. Stuart Wortley, and he awarded them 3,500 *l.* damages; they recovered in that arbitration upon the clause inserted in the Bill.

1968. Then what was the reason that the other residents did not combine for their own protection in the same way?—I cannot answer that question.

1969. Did it appear in that arbitration that the public (because he was only one of the public) had a certain right over the common; was it given on that ground, that it destroyed certain rights that he had?—No; I do not think it was given on that ground; it was that a railway going round there did destroy the value of his property, not for any right he had in respect of Wandsworth Common.

1970. Mr. *Peacocke.*] It was simply railway damages?—Yes, consequential damages in respect of a railway.

1971. *Chairman.*] Was he a leaseholder?—Yes, but it was a long lease and a valuable one.

1972. It was Mr. Kay's property?—Yes, Mr. Kay built the house.

1973. Mr. *Kinnaird.*] Is Bridge Field a part of the common?—I do not know Bridge Field; it is on the other side of the road, I think; there is a field running down to the river from the north side of East Hill, which I suppose is Bridge Field, but I do not know.

1974. Do you believe Clapham Common to be practically in the same position as Wandsworth Common as to the rights?—Yes.

1975. Has it any peculiar immunity from being inclosed?—None that I know of, or that I believe.

1976. Mr. *Cowper.*] You stated just now the successive inclosures which have taken place during the last 13 years; can you state the dates at which those inclosures took place?—I can only state that they have all taken place within the 13 years, and that the order, so far as I recollect, was that in which I gave them.

1977. Have they taken place since the present possessor of the title of Spencer has had that title?—I am not aware when the present possessor of the title of Spencer obtained the title.

1978. Then you are unable to state the dates at which these inclosures occurred?—I am unable to state the date; there was one lately.

1979. I want to know by what authority these inclosures took place; take first of all the inclosure by the railway; that, I suppose, took place under the Railway Act?—I presume so.

1980. Do you know under what authority the parish of St. James inclosed the piece of land which they possess there; was it under any Act of Parliament?—Under no Act of Parliament. They bought the inclosure, as I am informed, I do not know of my own knowledge, at a very small price, because there was no title. They paid only 30*l.* an acre for this ground.

1981. To whom did they pay it?—I presume to the lord of the manor.

1982. But you do not know?—I do not know.

1983. Under what authority did Mr. McKenna inclose?—Mr. McKenna inclosed under precisely the same circumstances; he inclosed in conjunction with the lord of the manor; that is to say, the lord of the manor sold him the property for so much money, and he put up his fence and rails, planted it for so many years, and when he died his executors sold it for such title as he had got.

1984. Are you of opinion that he had not got a valid title by that proceeding?—It is very difficult to say, the law of inclosure is so uncertain: but we are of opinion in the neighbourhood that there is no title to these inclosures; they are done without title.

1985. I understood you to say just now that it was an understood circumstance that he had not the sort of title that purchasers would accept?—Yes.

1986. How did the justices of the peace inclose that piece of land?—I am not aware how that was done; I presume it was by arrangement with the lord of the manor, in precisely the same way that the other inclosures have been made.

1987. You stated just now that these various inclosures were done against the wishes of the inhabitants; will you tell us, have any of the inhabitants expressed their wish?—I speak of my own knowledge of people in the district, with whom I have had conversation.

1988. When did the inhabitants remonstrate against any of these inclosures?—That I cannot tell.

1989. Did they ever express to the lord of the manor any wish that these inclosures should not take place?—I cannot say, of my own knowledge,

ledge, whether they have or not; I know that on one occasion they did attend the lord of the manor, who proposed to put up butts for rifle-shooting upon this space, which was inclosed on one side by the neighbourhood, and on the other by the highway. They remonstrated with Lord Spencer on putting up those butts, and Lord Spencer refused to withdraw his consent.

1990. That only had reference to the butts?—Yes.

1991. Are you aware of any occasion on which remonstrances were made against the inclosure of the common?—I am not.

1992. Mr. Alderman *Rose.*] I suppose the inclosure was done before you knew anything about it?—Yes; the fences are run up very rapidly when any inclosure takes place. The only remedy would be to knock them down; but if you did that with a railway company, probably you would get the worst of it.

1993. Mr. *Cowper.*] Do you mean to say that there were no opportunities of remonstrating against any of these inclosures before they were made?—The only notice I had of the inclosure by the parish of St. James's, was the workshops being put up for the purpose of building a school. This one was done so rapidly that there was no opportunity of remonstrating.

1994. How long did you know that a school was to be built there before the building actually commenced?—We did not know what the building was to be; it was a matter of discussion in the neighbourhood what the building was. It is, in fact, two brick walls, and when the parish of St. James have got possession for a certain time, they will discover that they can buy their cabbages and potatoes cheaper than they can grow them, and they will sell it in relief of their rates. That school I look upon as merely keeping the ground in the meantime.

1995. I understood you to say that the reason they did not object to the building was because they did not know what the building was to be. I should have supposed that if they objected to any building, they would have plenty of time to make their objection before the building was advanced?—They would have no time to make any valid objection. The parish of St. James, before they began to build, had secured the title by such deed as they could obtain, they had got their material on the ground, and any remonstrance then would have been useless.

1996. I understood you to say that the lord of the manor had agreed to these inclosures against the wish of the inhabitants?—Yes.

1997. Then I ask you how did the lord of the manor become acquainted with the wish of the inhabitants?—I cannot tell.

1998. If you do not know that those wishes were ever expressed, how do you know he acted against them?—I know the feelings of the inhabitants with regard to the inclosure.

1999. Is there such a desire for secrecy at Wandsworth that nobody expresses their wishes except in private?—The feeling is very strong, and there is no secrecy there.

2000. Why was it not expressed?—If you press me so for a reply, I should say that we knew that any application to the lord of the manor would be useless, and therefore we did not make it.

2001. Then I may assume as a fact that the wishes were not expressed?—I can only speak for myself; I have had no communication with the lord of the manor.

2002. You alluded just now to a remonstrance against some butts; did the question arise there as to whether or not those butts created any risk or danger?—Yes, that was the question upon which the deputation went to the lord of the manor. For myself I should be in favour of butts, unless they were dangerous to the public; but the end of the interview was that the deputation threatened the lord of the manor that if the butts were put up they would file a Bill in Chancery to get an injunction. He said he still retained his opinion; he had given his word, and he intended to erect them; but they never have been erected.

2003. Mr. *J. Tollemache.*] I understood you to say that you and the other freeholders objected to any portion of the common being inclosed?—Yes.

2004. If you thought that the lord of the manor had no power to grant or to sell land for the purpose of being inclosed, why did you not exercise your rights by pulling down a fence; you said it would be a dangerous thing to do so with land which the railway had obtained under an Act of Parliament, but were you also afraid to do so with regard to the other land which the railway had nothing to do with?—Pulling down a fence would be the preliminary to a long litigation, and unless we had made up our minds to go into that litigation, it would have been foolish to pull down a fence. I found that my neighbours were not willing to find the money to go into litigation with the lord of the manor, and therefore it would have been very foolish in me to pull down a fence for the mere assertion of a barren right which I was not prepared to defend at law.

2005. But you know it is a very common practice on the part of freeholders in order to assert their rights?—The Law of Inclosure is so very inapplicable to modern times and circumstances, that I hoped, and hope still, that the Legislature will deal with the necessity of these cases, and not leave such dreadful litigation to the parties affected by it as they would be in the result of a contest with Lord Spencer upon a matter like this.

2006. If the freeholders were very much opposed to the inclosure of any part of the common would they not have taken legal proceedings to prevent what they believed to be their rights from being infringed upon?—I can only express my opinion that if I had the money I would contend with Lord Spencer to the end; but if I have not money enough I will rest content where I am. A committee is the worst possible form of litigation; a member of the committee would be immediately detached by the agent of the person they were contending with, and they would ascertain what was going on inside the committee.

2007. Do you mean a Committee of the House of Commons?—No; a committee of the inhabitants, upon whom every defeat would entail the necessity of spending more money to go on with the litigation; whereas Lord Spencer's object would be perfectly defined, and he would make every exertion for the purpose of conducting it to a successful issue, to the sacrifice in all probability in the end, of all public rights.

2008. I suppose you are aware that it is the usual course of proceeding on the part of freeholders to prevent their rights being encroached upon, by pulling down fences?—Yes.

2009. Then it appears that the commoners of Wandsworth have not adopted the usual mode of establishing

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establishing their rights?—No, and I say that would not be wise unless they had made up their minds to go further and embark in this litigation; and they had not made up their minds to that, although they strenuously objected to the inclosures, and the mode in which they were made.

2010. Had Lord Spencer's legal advisers any notice that this question was coming on to-day?—I know nothing of Lord Spencer's legal advisers, except that they are Messrs. Frere & Co.

2011. Mr. *Peacocke.*] Am I to understand you to say, that there has been no Act of Parliament, except in the case of the railway, for the purpose of effecting these inclosures?—None whatever. The Inclosure Act is inapplicable to these circumstances.

2012. You say that no Act of Parliament has been passed for any one of these inclosures, except the railway?—I am quite sure that there has been no Act of Parliament.

2013. Do you know whether any persons claim common rights over Wandsworth Common?—I do not know anything of the common rights.

2014. Have you ever seen cattle there?—I have.

2015. Do you know whether there is any right existing of cutting turf?—Turves have been cut to a great extent.

2016. By the lord of the manor or by the commoners?—I do not know by whom.

2017. Have you ever seen the gorse cut there?—Yes.

2018. By the commoners or by the lord of the manor?—I do not know.

2019. You just now stated that the common had been leased to the persons living in the neighbourhood?—Yes.

2020. Of whom did they rent?—Of the lord of the manor.

2021. Exclusively?—I believe so.

2022. That would look as if he had the whole property in it?—I cannot give any opinion upon that.

2023. Mr. *Baillie.*] I understand that all those black spots upon the map which you hold in your hand, represent inclosures which have been made within the last 13 years?—Yes. I stated one exception, namely, the space between Mr. Wilson's house and the Black Sea, which I think was inclosed before I went to live there.

2024. Is it within your knowledge that the common previous to that was altogether uninclosed?—When I went to live there, it was uninclosed.

2025. Had no inclosures been made previously?—Not to my knowledge.

2026. Are you prepared to say that you know there were none?—I am not. I am only prepared to speak of the 13 years during which I have lived there.

2027. *Chairman.*] Was there any meeting of the inhabitants of Wandsworth Common to consider whether an attempt should be made to prevent the inclosure of the common?—The population has changed. Mr. Clarkson is dead, Mr. Jones has left, and Mr. Burchell also has left; and I shall leave as soon as I can.

2028. Did the fresh tenants meet and discuss the matter?—No, it was done when they came. None are now living except myself, of those who were there at the time the inclosure was made.

2029. Was that school erected after Mr. Clarkson went there?—Yes.

2030. Who resided at the next house?—Mr. Alfred Jones.

2031. Did they make any resistance at all to the erection of the school?—No.

2032. There was no meeting to consider whether they would form a committee?—We met at each other's houses only.

2033. Was it considered whether they should resist it or not?—It was.

2034. Why did they not resist? Was it that they did not choose to afford the sinews of war?—Exactly.

2035. They did not like to go to the expense?—We were all four lawyers, and we knew that it would lead to very considerable litigation, which would entail immense expense.

2036. But being lawyers you would find law at a cheap rate?—Yes, but we should have to pay counsel, and find witnesses, which would include really the great expense. The counsel would not attend for nothing, and we considered that every stage of the litigation would be attended with appeals on appeals. So uncertain has the law of inclosure been from the time of Richard the First to the present day, that I should be sorry to advise a client to embark in such a litigation, or to embark in it myself; but for that uncertainty these inclosures would never have been made.

2037. But where persons are determined to resist, the same difficulties would have to be encountered by the lord of the manor?—On both sides the questions of difficulty are the same.

2038. Then you start fair?—For spending money.

2039. It only becomes a question of money?—Exactly.

2040. Mr. Alderman *Rose.*] What I understand you to say is, that these inclosures would never have been made had there not been these difficulties?—I give only my own opinion.

2041. That is to say, presumed upon, and the inclosures made?—That is the opinion I entertain.

2042. Mr. *Kinnaird.*] I gather from your opinion that it is really impossible for a poor man having a right to contest an inclosure?—Or even a moderately rich man.

2043. Many of these rights of common, I suppose, belong to poor people?—They would have to get their witnesses to speak to a period of 60 years, in order to prove their case, and that would entail an enormous expense.

2044. *Chairman.*]—It is notorious, is it not, that cases of right of way are the most expensive cases that you can try?—Yes, it is the most expensive form of litigation in which any man can be engaged.

2045. Mr. *Cowper.*] Is there a small number of persons interested in this common as commoners?—I do not know the commoners at all. It is believed in the district that the copyholders are very few in number, obstacles being thrown in the way of their increase, and their rights being bought up by the lord of the manor; but I do not speak of my own knowledge.

2046. Mr. Alderman *Rose.*] I believe that the part sold to St. James's Parish incloses about 60 acres?—Yes.

Jovis, 27° die Aprilis, 1865.

MEMBERS PRESENT:

Mr. Buxton.	Mr. Locke.
Mr. Cox.	Mr. Lyall.
Mr. Doulton.	Mr. Shaw Lefevre.
Mr. Hanbury.	Mr. Peacocke.
Mr. Locke King.	Mr. J. Tollemache.
Mr. Kinnaird.	Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

THOMAS TURNER, Esq., called in; and Examined.

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2047. *Chairman.*] You are a Barrister, I believe?—Yes.

2048. And likewise Treasurer of Guy's Hospital?—Yes.

2049. Are you now a member of the Metropolitan Board of Works?—No; I was for three years; I represented Hampstead at the Board.

2050. And you have given your attention to the question of the attempted inclosure of Hampstead Heath?—Yes, as far as the attempts that were made by the lord of the manor to obtain leasing powers over the ground adjoining the Heath.

2051. A Bill, I believe, has been brought in by the lord of the manor, Sir Thomas Maryon Wilson, has there not?—Yes, Bills were brought in year after year to obtain powers for granting building leases over the land adjoining the Heath. I may observe that the first Bill brought in was not only for power to build over the land adjoining the Heath, but also to build over such parts of the Heath itself as the lord of the manor might from time to time approve, that is, inclose, leaving enough for the copyholders. In the subsequent Bills they did not ask for building powers upon any portion of the Heath itself, but they persisted in asking for leasing powers on the adjoining ground. The whole of those Bills are set forth in a pamphlet, which I may perhaps be allowed to refer to.

2052. What, in your opinion, do the public interests require with respect to Hampstead Heath?—I think for the interests of the public it is very important that they should have secured to them first of all the whole of the Heath itself, and secondly, from 100 to 150 acres skirting on the Heath. This would include Traitors' Hill, and Telegraph Hill, both commanding spots, which, I think, should be secured to the nation in the same way that Primrose Hill was secured some time ago.

2053. You say Primrose Hill was secured to the public; in what way do you mean?—I believe it was bought up out of the revenues of the Woods and Forests, but I am not quite certain in what way it was paid for.

2054. However, the Government bought it?—Yes, the Government bought it.

2055. Would you make the same suggestion with respect to Hampstead Heath, that the Government should obtain it in that way?—That, no doubt, would be very gratifying to the inhabitants, but I do not take my ground upon that.

2056. Perhaps you are aware that the Chief Commissioner of Works stated in the House of Commons, when this Committee was appointed, that the Government would not advance any money for that purpose, and I believe it was on that understanding that the Committee was granted; therefore, failing the Government, what would be your suggestion; where do you propose that the money should come from, if Government are not to act in this matter in the same manner that they did with regard to Primrose Hill?—I do not quite understand the position taken by the Committee upon that point; I understand that the present Government have declared that they will not grant any sum of money for the purchase of these open spaces generally, but I do not gather from that that the Committee will necessarily decline to recommend that assistance should be granted out of the public funds in any particular instance.

2057. Your opinion is, that a grant should be made?—My opinion is, that it may be reasonably expected that the greater portion of the funds necessary for securing this property should be obtained from the metropolis itself; but I have always advocated and expressed the opinion which I still retain, that it would be reasonable that a considerable sum should be contributed by the Government, on the ground that it is a matter of public concern. That principle has been acted upon in other countries. I believe when the Bois de Boulogne was improved, as it was by the Emperor, the expenses were divided between the Government and the municipality of Paris. I may refer you to pages 15, 16 and 17 of the pamphlet upon that point, and page 18 also refers to a point which has been raised at the Metropolitan Board, namely, that the inhabitants of Hampstead and the neighbourhood themselves should contribute.

2058. Your opinion is, that it may be reasonably argued that the sum contributed for the purpose of purchasing Hampstead Heath, or that portion of it which it is necessary to purchase, should be met by a liberal subsidy from the national revenues?—Yes. I observe in the pamphlet referred to, p. 15, that "there can be no doubt that it is to the Metropolitan Board of Works, which was constituted with special reference to this and other

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undertakings previously urged upon the attention of the Government, that the public must look as the agent to carry out the improvement. There is no doubt, also, that by that Board must be provided the principal portion of the required funds." And I observe a little further on "that whilst some and indeed the majority of metropolitan improvements are important only to its own inhabitants, and ought therefore to be paid for by them alone, there are others, which being of interest to the whole nation, ought to be carried out at the expense of all. It can hardly be denied that the condition of the metropolis is a matter of national concern. All people in every country feel their own reputation more or less bound up with that of their capital, and deem it to be a matter of honest pride if the state of that capital attracts the admiration—of just reproach, if it draw upon itself the condemnation—of the world at large. Defects which are overlooked in a provincial town, are in the metropolis declared unendurable; and an outlay which for the ornament of the former would be pronounced extravagantly lavish, is held justified in the latter by a regard to the honour and reputation of the nation. Nor will it be forgotten that the metropolis is the residence of the Sovereign, the place of audience of ambassadors, and the seat of the tribunals of justice and of the Legislature of the empire. For any extra expenditure, then, incurred in the improvement and adornment of the metropolis, as such, the nation, as it participates in the credit and enjoyment of what is done, may not unreasonably be expected to share in the expense; and on this principle it probably was, that the outlay recently incurred in the improvement of the Bois de Boulogne has been divided by the Emperor Napoleon between the national funds and those of the municipality of Paris. And if there is any force in what has been urged in commendation of Hampstead Heath, as one of the most ornamental features which the metropolis possesses, the Metropolitan Board of Works may, upon the same principle, call upon the Government and the Houses of Parliament to contribute a portion of the outlay required to secure the permanent public appropriation of that locality."

2059. Do you think that view applicable to this question with respect to Hampstead Heath?—Yes.

2060. Why do you think so?—Because I think Hampstead Heath is a great ornament to the Metropolis, and particularly those eminences which I mentioned just now, namely, Traitors' Hill and Telegraph Hill, and the road that leads from Hampstead to Highgate, which commands the finest views in the neighbourhood of the metropolis.

2061. Has it sometimes been urged that the districts immediately contiguous to the Heath, as being the most benefited by its acquisition, ought to contribute the largest portion of the cost?—Yes, but the reply to that remark is, that the justice of the application of such a principle depends entirely upon whether it is applied generally or only to a particular case. If it were thought proper to apply a graduated scale of rating to metropolitan improvements in general, those who reside in the vicinity of the Heath ought not perhaps to object to the application of the same principle to the case now under consideration. "This, however," as stated in the pamphlet, "has not been attempted in the Finsbury Park case, nor in any other improvement which has been hitherto undertaken by the Metropolitan Board; and it is believed that every one who has given much attention to the question has come to the conclusion that however just it may be to tax the members of the community according to the amount of benefit which they respectively derive from the public expenditure, the principle cannot be acted upon, simply because any attempt to determine the proportion would be attended with enormous labour, and result in immense errors. The true principle is not to look to inequality of taxation, but while upholding equality of taxation, to aim, as far as is practicable, at an equal distribution of benefits."

2062. You objected to the last Bill that was introduced, I think?—Yes; that was a Bill not directly referring to the object which Sir Thomas Wilson had in view, but laying a foundation for it by altering the public Act under which parties were authorized to obtain from the Court of Chancery powers of granting leases which before could only be obtained by application to Parliament. That Act was coupled with certain restrictions, one of which was, that it was not to apply to any case in which the applicants had already applied to Parliament for a private Act to effect the same, or a similar object, and that application had been refused upon the merits, on the ground that the decision of Parliament, if over-ruled, ought to be over-ruled by itself, and not by a subordinate jurisdiction, however respectable that jurisdiction might be.

2063. Has your attention been directed to what the expenses of buying up the Heath would be?—Yes.

2064. I see at page 39 of your pamphlet you state that the expense of all the three parks which have been pressed upon the attention of the Metopolitan Board is not likely to exceed 500,000 *l.*, whilst no member of the Board, according to your belief, is sanguine enough to expect that the construction of the intercepting sewers, on the most moderate plan that may be adopted, will be effected for less than 5,000,000 *l.* Now out of that 500,000 *l.* how much do you appropriate to Hampstead Heath?—If I may be allowed to refer you to pages 7 and 8 you will find that.

2065. Mr. *Cox.*] Does that 500,000 *l.* relate to the Heath?—Yes, to that and the other two parks then under the consideration of the Board. But in pages 7 and 8, we go into the matter. Of course, any estimate which a proposed purchaser makes of the value of land, is, to a certain extent, speculative; but in page 7 we observe upon the very small value the Heath possesses to the lord of the manor in its present state; in fact, the only thing from which he derives any money return at all is from the digging of sand, upon which he has a certain royalty; and the conclusion we came to was that if the value of the Heath were to be based upon a calculation of actual profits derived from it, the manorial rights would be dearly purchased at 10 *l.* per acre. But assuming the value of the lord's rights in the Heath to be put at 100 *l.* per acre, and settling a liberal valuation on the adjacent land at present in pasture, the cost of the entire purchase would not, it was supposed, exceed from 100,000 *l.* to 150,000 *l.* The extent of the Heath was estimated by us at 250 acres, and at 100 *l.* per acre, that would be 25,000 *l.*, and taking the parts adjoining at 400 *l.* or 500 per acre, you would see what the whole cost would come to.

2066. You

2066. You estimate the lord's rights at 10*l.* per acre?—At less than that, if the valuation were based upon what he actually gets for them.

2067. That you estimate as the actual value which he now derives?—Yes.

2068. Then how much do you put on for compensation?—We put 100 *l.* per acre.

2069. Is there anybody besides the lord to be compensated? Are there commoners?—There are commoners, but I do not think they would be any expense to the Board; I believe the commoners would freely give up their rights of common without any pecuniary compensation, if it were desired that they should be given up.

2070. Assuming that they would have to give them up, are there any commoners?—Yes, there are commoners.

2071. What rights have they?—They have rights of pasture.

2072. Have they any other rights besides rights of pasture?—That I cannot say.

2073. Are you aware what the exact rights of the lord are; he has, you say, a right of digging sand; has he a right of pasture?—Well, that question depends on how far the commoners' rights of pasture go; I cannot undertake to speak on behalf of the commoners of Hampstead now, because I have not at present any property at Hampstead, though I had formerly; but I apprehend the commoners would contend that their own rights of pasture would exhaust the grazing capabilities of the Heath, and if that was so, there would be no right of grazing remaining to the lord of the manor. I believe he has inclosed a certain portion of the Heath, and planted trees on it; those are at present no disadvantage to the Heath, and may be considered an improvement, but if a future lord of the manor chose to cut down the trees where the inclosure is, and build houses, it would be a great detriment to it.

2074. Do you think that in purchasing Hampstead Heath all rights, whether those of the lord, or the commoners, or the freeholders, ought to be bought?—I think that would be the most convenient way of dealing with it.

2075. Would not that increase the amount?—No, I do not think it would materially; I think those who have common rights in the neighbourhood would not interfere in any way in the carrying out of the object.

2076. Mr. *Doulton.*] Is Sir Thomas Maryon Wilson the only lord of the manor?—The only lord of the manor.

2077. Of the whole of the Heath?—Yes, it is entirely vested in him.

2078. Of course you are aware of the ordinary rights of lords over ground of this nature?—Yes.

2079. Is there anything peculiar with regard to the rights which Sir Thomas Maryon Wilson has over Hampstead Heath?—No, I imagine not; it is just like any other common.

2080. What has been the restraining power which has prevented him from building?—First of all, he must approve before he can build, and if he approves, having only a life interest he cannot give any person an interest longer than for his own life, his father's will not giving him power to grant building leases over this property.

2081. Then this case of Hampstead Heath differs materially from the case of most of the other commons round London. In most other commons, the lord of the manor is prevented from building on account of the rights which are possessed by commoners and copyholders. In the case of Hampstead Heath, I understand from you that he is prevented also by another fact, namely, the peculiar terms of his father's will?—Yes; if he got over the other difficulties, that difficulty would remain; but of course, the commoners would assert that there was no power to approve a single acre.

2082. But supposing the lord of the manor purchased the whole of the rights of the commoners and copyholders, he would still be unable to use Hampstead Heath for the purpose of building?—The present lord.

2083. Mr. *Shaw Lefevre.*] The successor could build?—Yes.

2084. Mr. *Doulton.*] The general opinion of the public is, that while Sir Thomas Maryon Wilson is unable to build, when he dies, his successor will be able to do so; is that so?—The case is simply this; the property is vested in the present Sir Thomas Maryon Wilson for life, with remainder to his issue, he being a bachelor; and in failure of his own issue, it goes to his brother and his brother's issue; now the brother is a married man, and has sons of full age. If Sir Thomas Maryon Wilson were to die, the property would go to his brother, who with his eldest son could at once cut off the entail, and of course the property adjoining the Heath could be built on.

2085. In consequence of that, has Sir Thomas Wilson ever attempted to purchase the rights of the commoners and the copyholders?—No.

2086. He has a good deal of land immediately adjoining?—Yes, and some a little way off.

2087. Of course there are no rights of common?—Not on the land now spoken of.

2088. And the terms of the father's will alone prevent him from using that land for the purpose of building?—Yes.

2089. Are you aware of the number of commoners and copyholders?—No; I cannot say.

2090. Have there been any inclosures within the last few years?—The only inclosure that I know of in my time is an inclosure made for the purpose of the New River Company to build a reservoir; they had to purchase some land on the common for that purpose.

2091. Have any attempts been made by the lord of the manor to enclose any portion of the Heath for building purposes?—Not that I know of, except so far as might be gathered from the first Bill which he introduced into Parliament, where, besides applying for building powers over the freehold land adjoining the Heath, he also asked for powers to grant building leases upon any parts of the Heath which he might, from time to time, aprove. As remarked in my pamphlet, p. 13. "There is no security that attempts will not be made, either by the present lord of the manor or by his successors, to inclose and build upon portions if not the whole of the Heath, nor any security that those attempts will not be successful. In the first place, there is distinct evidence that the present lord of the manor actually did, some years ago, contemplate converting portions of the Heath to building purposes. The evidence is contained in a Bill introduced into Parliament by Sir T. M. Wilson, in the year 1829. This Bill purported to give Sir T. M. Wilson power to grant building leases over all the property comprised in the schedule appended to it; and one of the items in that schedule is as follows: 'Such part (if any) of the Heath and other

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other waste ground in the parish of St. John, Hampstead, whether occupied or not, which may be hereafter approved, exonerated, or discharged from the customs of the said manor, and from all rights of common and other rights, for the sole use and benefit of the lord or lady, lords or ladies, for the time being.'"

2092. No actual inclosures have been made?—Not for building; there are inclosures by planting trees which may be regarded as an ornament to the Heath, but which inclosure the successor of the lord might take further advantage of.

2093. Have any small inclosures been made by the copyholders, with the sanction of the lord of the manor?—None by the sanction of the lord alone; there is a custom of the manor by which small portions of the waste may be granted to copyholders with the assent of the homage, and small pieces of ground have been taken, but not many, for the purpose of enlarging or improving existing grounds, and, on those occasions, sums of money have been paid to what is called the Commoners' Fund, by the persons who received these grants as a compensation to the commoners.

2094. Has there been any committee of the inhabitants of the neighbourhood in existence to watch the Heath, to prevent inclosures?—There have been committees to oppose Sir Thomas Wilson's Bills which have been brought forward.

2095. There is no Bill now before the House?—No Bill that I am aware of.

2096. And there has not been one introduced for many Sessions past?—I think there was one the Session before last.

2097. Is there any controlling power as to the use of the Heath, for preventing improper practices on the Heath?—Sir Thomas Wilson, the lord of the manor, exercises some degree of controlling power; he allows, for instance, stands for horses, and flies, and donkeys on the Heath; he exercises some control over them; he appoints a place where they are to stand.

2098. Are there regular common-keepers?—There is a steward there.

2099. Not a common-keeper?—I do not remember at this moment whether there is a common-keeper, or not.

2100. It is chiefly, I imagine, under police regulations?—Yes.

2101. I think you have not been resident in Hampstead during the last four or five years?—No, I have left a longer time than that; it is seven or eight years ago.

2102. You can perhaps speak as to the use of the Heath by the public. Is it much used by the general public as well as by the immediate neighbourhood?—Certainly.

2103. Then it becomes a metropolitan question, and not merely a local one?—Certainly. Bands of children go on the Heath, and all sorts of people from all parts of the metropolis.

2104. Mr. *Tollemache.*] Are the copyholders and freeholders of Hampstead a numerous body?—I can hardly give an idea of the number of them.

2105. I do not ask as to the number, but are they numerous?—Yes, they are a numerous body.

2106. Have they exercised any right over the common; do they turn out cattle?—Some of them have; I do not know how many.

2107. Were the trees that you spoke of as having been planted, planted by the lord of the manor?—Yes.

2108. Did he enclose any portion of the common to protect the trees?—Yes, they have been surrounded by posts and rails.

2109. Nothing more than that?—Nothing more than that.

2110. Is it anything like a small plantation?—Some were planted in clumps, and enclosed by posts and rails, and some were planted singly.

2111. The commoners, generally speaking, have not exercised much of their rights?—That is a point upon which I should hardly like to express an opinion.

2112. You were a resident there for some time, were you not?—I was resident there for some time.

2113. Were many cows turned out there belonging to commoners?—I cannot say how many.

2114. Mr. *Hanbury.*] You say this matter is more a metropolitan question than a local one?—I think so.

2115. Do I understand that the people of Hampstead would not be willing to bear any extra expense, by way of a rate or otherwise, for preserving Hampstead Heath?—As I said before, not being a resident in Hampstead, and having no property there at the present time, I do not think I have a right to speak for them one way or the other. What I observed was this, that one might assume that if the principle which is suggested to be applied to Hampstead is one which is applied to other places, no doubt they would submit to its application to themselves, that is to say, they could not complain of being called upon to contribute a larger share than the rest of the metropolis, towards local improvements of their own, if, when other local improvements were made in other parts of the metropolis, the same rule were applied to persons living there; but inasmuch as that rule is not applied to other places, they might not see why it should be applied to them alone.

2116. Still I understand you to say they would object strongly to Hampstead Heath being enclosed and built upon?—Certainly.

2117. Therefore they would be willing, I suppose, to bear some expenses?—They would bear their share of the general rate.

2118. From a mere knowledge of the neighbourhood, can you say whether there is any portion of the Heath which could be sold for building purposes, the sale of which would provide a fund for the extra expense of keeping this as an open space?—I think there is a part near the railway station and Pond-street, at the bottom of the Heath, but I do not think much of the Heath could be taken away without detriment.

2119. I thought there were some outlying parts?—The irregularity of the form of the Heath is one of its attractions. If you smooth down all the little corners by inclosure, you very much spoil the effect of it.

2120. Mr. *Peacocke.*] Are there any common rights besides those of pasture over the commons?—I am not aware of any.

2121. Do the commoners cut furze there?—I am not aware.

2122. You spoke just now of the custom of the manor of Hampstead; do you know if all the commoners attend the homage there?—No, I should say they do not; I do not suppose that is ever so.

2123. I mean, have they a right to?—Oh, yes; generally

generally speaking, it is the business of the lord of the manor's bailiff to get a court. Few people attend the copyholders' court.

2124. Do you know how copyhold rights are acquired there; for instance, do copyhold rights attach to a college or plot of land?—No doubt to land; it is a general principle of law that there cannot be copyhold rights except as attached to land within the manor.

2125. Do those copyhold rights attach to the possession of certain colleges there?—Yes, whatever rights there are attach.

2126. But you do not know anything particular about that, I suppose?—I cannot tell you to what particular land within the manor the copyhold rights attach; but it is a matter of general law that there can be no copyhold rights except in respect of land.

2127. I am not asking you about copyhold rights; I am asking you about common rights?—I meant to include common rights; I mean to say that as a general principle of law there can be no common rights at all except in connection with land.

2128. But what I want to know is this; do those common rights attach to certain copyhold lands there only, or do they attach to others?—To freehold lands as well, I apprehend they do; but I have not sufficient information upon the subject to give an opinion as to any particular cases.

2129. Mr. *Cox.*] I think you say that you think it would be desirable that the whole of the Heath should be kept open, and also about 100 acres of land adjoining and overlooking it?—From 100 to 150.

2130. Do you know the Swiss Cottage?—Yes.

2131. Can you tell the Committee what is the distance from the Heath to the Swiss Cottage?—I should think about a mile and a quarter.

2132. As the crow flies?—As the crow flies; I should say that it is decidedly within two miles to walk; I have walked along there repeatedly.

2133. Would any part of the fields on either side of the Finchley Road be included in the 100 acres you allude to as to be purchased adjoining the Heath?—No part.

2134. Are you aware that the whole of this property on each side of the Finchley Road is the property of Sir Thomas Wilson?—Yes.

2135. Do you think that it would be a desirable arrangement for the public to make with Sir Thomas Wilson to give him authority to build over the whole of the Finchley Road property, he foregoing his rights, whatever they may be, to the Heath?—I do; assuming it to include the relinquishment of all claims to build on the adjacent ground; and I wish to add that such a proposition was for several years made to Sir Thomas Wilson; it was proposed to withdraw all opposition to his obtaining powers to grant building leases over the Finchley estate, if he would pledge himself to forego all attempts to obtain building powers over the lands eastward of the Heath and which overlook it.

2136. Do you think it a misfortune that a Bill which, in 1863, would have given him power to enter into such an arrangement was thrown out?—If he was willing to pledge himself. I believe that Sir Thomas Wilson has from time to time stated that he did not intend to grant building leases; but in all the communications with him of which I have any knowledge he has always decidedly refused to pledge himself not to do it.

2137. Do you know whether Sir Thomas Wilson's solicitor, Mr. Loden, is still alive?—I believe not.

2138. Do you know who is now steward of the manor of Hampstead?—Mr. Clarke, of Lincoln's-inn Fields, I believe.

2139. With the exception of the clause in the will of the father of Sir Thomas Wilson, there is nothing, is there, to prevent Sir Thomas building on the Heath proper?—There are the rights of the commoners.

2140. So that if Sir Thomas Wilson could agree with the freeholders and copyholders, there would be nothing to prevent his building any more than any other lord of the manor?—Supposing that he had power to grant building leases.

2141. Supposing that the power to build contained in the will of the late Sir Thomas Wilson had extended to the Finchley and Hampstead estate, there would be nothing in the way but the rights of the copyholders and commoners?—Just so.

2142. Except the right of the public?—I do not know what the right of the public is.

2143. How long have you known Hampstead Heath?—I lived at Hampstead about 15 years; I left there seven or eight years ago.

2144. Have you ever seen any notice-boards, cautioning people not to go on the Heath?—I do not recollect any.

2145. You never heard of anyone being treated as a trespasser for walking or lying on the Heath, or doing anything else there?—No.

2146. It never came within your knowledge, I suppose, that there was any caution to people not to trespass on the Heath?—I am not aware of any.

2147. Mr. *Kinnaird.*] You say that the lord of the manor has the right to dig sand and gravel. Has that right been exercised with very little regard for the comfort of the public?—It has been exercised to the great injury of the Heath, undermining the trees and a great many of the beautiful furze-bushes.

2148. Has it been done in a wanton manner, instead of being carried out in such a manner as not to injure the Heath?—I do not know where such quantities of sand could be obtained from the Heath without doing injury; it is a great misfortune that so much has been taken away.

2149. Has Lord Mansfield any property near there?—Caen Wood.

2150. Is that in the parish of Hampstead?—I think not; but it closely adjoins the Heath.

2151. Has he any right over the Heath?—Not that I am aware of.

2152. Mr. *Shaw Lefevre.*] In your pamphlet you say that the present agent of Sir Thomas M. Wilson has recently assured the Metropolitan Board of Works that he does not intend to build upon any portion of the Heath?—Yes.

2153. When was that statement made?—At the time that we were promoting a Bill for the purchase of it.

2154. Was it at the time the proposition was made that he should give up any rights he had over the Heath, on being allowed to build upon the other part?—The proposition I referred to I think was made several times, that he should pledge himself not to apply for building powers upon the property adjoining the Heath, the Hampstead people assenting to his having building powers over the Finchley estate; the declaration I speak of in that pamphlet was made, I think, about five or six years ago.

 2155. Have

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2155. Have there been any recent negotiations between the Metropolitan Board of Works and Sir Thomas Wilson?—That I cannot say; because since I left Hampstead altogether I have not been personally concerned in the matter.

2156. Are you aware that some time ago the copyholders made a claim to the right of cutting turf for the purpose of laying down in their gardens?—That is an old claim, I believe.

2157. And was decided against them on the ground that it was too uncertain?—It was indefinite.

2158. You are not aware of any rights they claim, except that of turning on cattle?—I am not aware of any.

2159. You spoke of the homage having consented to the approval of certain portions of the Heath in recent times; do you know what number of copyholders attended on those occasions?—No, I do not.

2160. Do you know the meaning of "the consent of the homage"?—The consent of the court, I apprehend.

2161. What is that?—Public notice is given of the court, at which every copyholder has a right to attend; and I apprehend that the persons who do attend at the time, speak for the whole body.

2162. Supposing one of the copyholders present objected to a proposed inclosure?—I will not undertake to give an opinion upon that.

2163. *Chairman.*] How are they summoned?—I do not know what the notice is that is given on the occasion.

2164. Mr. *Shaw Lefevre.*] You say you think it desirable that the public should not only secure the Heath, consisting of 250 acres, but also 150 acres adjoining?—Yes.

2165. What have you put down as the cost of those 150 acres?—So far as I recollect, they were estimated at 500 *l.* an acre.

2166. That would also be the value, I suppose, of the common, if the lord of the manor had a complete right to build upon it?—I do not know; much of it would not be so valuable as the inclosed land adjoining, because it is not so well situated and more barren.

2167. Does not the whole value of that land consist in its fitness for building purposes?—Parts of the adjoining land are more valuable for building than the Heath itself, because, although the crown of the Heath is higher, a great deal of it is lower; so that the eminences on one side of the Heath would be more valuable than two-thirds of the Heath.

2168. Is the Heath much intersected by footpaths?—Yes.

2169. Well-defined footpaths?—Yes; a good many of them.

2170. Have the public been in the habit of playing games over all parts of the common?—There are very few parts on which such games as cricket could be played.

2171. But have you seen such games as "Kiss in the ring," and dancing?—I do not think that there are any parts particularly appropriated for that.

2172. Has the Heath been much used for such games?—I cannot speak to that.

2173. Have you ever observed any attempt to interfere with donkey racing?—I am not aware of any donkey racing on the turf; there has been much racing, I believe, occasionally on the high road on the top of the Heath; but this road is under the direction of the police, who stop everything of the kind as much as they can.

2174. You are not aware of any attempt by the lord of the manor to interfere with the enjoyment by the public in the playing of games?—I am not.

2175. Mr. *Doulton.*] I understand you to say that at present the Heath produces little or nothing to the lord of the manor?—The digging of the sand is the only advantage that I am aware of; he may receive a few shillings for licenses for cows.

2176. Then is not 100 *l.* an acre a very high compensation?—We thought it a liberal one.

2177. *Chairman.*] You estimate the value according to what may possibly be done with the Heath?—Yes.

2178. Mr. *Doulton.*] There is the additional consideration that Sir Thomas is prevented from building by his father's will?—Yes.

Colonel Alcock, called in; and Examined.

Colonel *Alcock.*

2179. Have you the command of a regiment of militia?—I have.

2180. I suppose they have barracks?—Yes.

2181. Where are they situated?—Very near the Lower Heath, and the terminus of the new underground railway will be almost at the barrack gate.

2182. How near are they to the Heath?—We are within five or six hundred yards of the Lower Heath.

2183. Have you used the Heath at all for purposes of drill or parade?—Yes, it is quite indispensable to the regiment.

2184. How long have you used it?—I cannot say, because the records that I have in my possession of the regiment only go back to about the beginning of this century, 1803. The usual number on parade then might be about 1,300, and during my time it has amounted to upwards of 1,200.

2185. How long have you been in command of the regiment?—I have been in actual command of the regiment for four or five years; but I have been in the regiment for 19 years; I formed it under Colonel Wood.

2186. During the time that you have known the regiment have they used the Heath?—Always.

2187. And always before?—Always before. I can state that it is essentially necessary, because, in 1854, when the snow was very deep, and I was forming the regiment, I was obliged to drill, as well as I could, in the lanes, and on the road, and it was impossible for me to do my duty by the regiment, because I had not sufficient room.

2188. Is it necessary to have these open spaces for military evolutions, not only at Hampstead, but throughout the whole country?—It is most essential.

2189. Where the military is called out?—Yes, it is most essential; it would be easy to state the space absolutely required by a battalion 1,000 strong for the different descriptions of drill. That which takes the largest space is light infantry drill, for which 600 yards by 900 yards is required.

quired. The next description of drill is the judging distance drill, which requires 600 yards of sufficiently even ground to be able to see a flag at that distance. That is not effected upon the Lower Heath, but upon the Upper Heath.

2190. Both Lower and Upper Heath, are, in your opinion, necessary for the purposes of that regiment?—They are.

2191. The regiment has always used it, you say?—Always, so far as I have any record.

2192. At all events since you were connected with it?—And during Colonel Wood's time.

2193. Mr. *Doulton.*] How long have the existing barracks been built?—I cannot say exactly how long, but I think about three years.

2194. Where did you meet before?—We had no barracks, but a house was hired by the county authorities for orderly room, stores, &c., for the battalion, and in 1858 about 4,000 *l.* was spent by Colonel Wood in the purchase of a freehold house and gardens for ourselves; and upon those gardens the barracks and stores which I just mentioned were subsequently built by the county at a considerable expense

2195. In the same neighbourhood?—In the same neighbourhood.

2196. When you had no barracks you used the Heath for purposes of drill?—Yes, and then it was more essential.

2197. Is there any other open space within a few miles of the Heath that would answer your purpose?—No, there is not an open ground any where that I am aware of.

2198. Have you ever been interfered with by the authorities?—Never; Sir Thomas Wilson has always been most gracious and kind in offering to us every facility.

2199. In your opinion, Hampstead Heath is invaluable for that special purpose?—Yes, it is most essential.

2200. Mr. *Shaw Lefevre.*] Has any application ever been made to the lord of the manor for the use of the Heath for drilling purposes?—I am not aware of any application for the use of the Heath, but only for permission to level it, and he was kind enough to say that we might lower some mounds which interfered very much with the advance in line.

Philip Hemery Le Breton, Esq., called in; and Examined.

2201. *Chairman.*] I believe you are a Barrister?—Yes.

2202. And a member of the Home Circuit?—Yes.

2203. You are likewise a member of the Metropolitan Board of Works, representing Hampstead, I believe?—I am.

2204. Now have you given your attention to this proposed inclosure of Hampstead Heath by Sir Thomas Maryon Wilson?—I have given a great deal of consideration to the subject for many years past, and I believe I am pretty well acquainted with the facts. I have here a plan, I cannot tell the precise date when it was made, but it was a good many years ago; this plan was made by Mr. Cockerell, a distinguished architect; and at that time a deputation of the inhabitants of Hampstead, accompanied by others, I believe also by some of the artists of London, who took a great interest in the preservation of the Heath, went to Lord Aberdeen with this plan, to which he was extremely favourable, and we endeavoured to obtain a grant of money for it; but he stated that the whole expense could not be borne by Government without some local contribution. There was then no Metropolitan Board of Works, and no means of obtaining any contribution from the metropolis generally, and so the plan fell through. It is now utterly hopeless to carry this plan out, because building operations have prevented it.

2205. What was the original extent of the Heath?—Mr. Turner has told me that at present the uninclosed portion of the Heath, which is commonly known as Hampstead Heath, consists of about 250 acres, but a very large number of acres of the Heath must, in former days have been inclosed.

2206. At present, it consists of 250 acres?—Yes.

2207. Now what mode do you suggest of preserving those 250 acres for the benefit of the public?—I think that, considering the very great benefit which would be derived by the public from having this open space dedicated to it, that the metropolis ought in some measure to contribute towards it; at the same time, I feel, in common with other members of the Metropolitan Board of Works, that as we are obliged to raise our money entirely by direct taxation of the inhabitants of London, and as the rates press very heavily on them, if possible we ought to be provided with some additional means of raising the funds. I do not quite agree with what Mr. Turner said, as has been suggested, that the parish of Hampstead ought to pay a larger proportion than the rest of the metropolis. I do not think that would be fair, because Hampstead Heath is not enjoyed by the Hampstead people in proportion to the inhabitants of other parts of London. Last Easter Sunday and Monday, on a rough calculation, 50,000 persons came to the Heath from all parts of the metropolis; and inasmuch as the Metropolitan Board have purchased a park for Finsbury, and have also purchased a park for the borough of Southwark, to which the people of Hampstead have had to contribute, and to which they certainly would never go for recreation, it seems to me to be a reason why Hampstead ought not to pay a greater proportion. I think that the principle now established is that there should be, as much as possible, equality.

2208. If Hampstead be taxed and placed in proportion with the rest of the metropolis, you have no objection, you say, to a fund being raised in that way?—Certainly not.

2209. Can you see any injustice to the country in doing so?—I agree very much with what has been said; I think the metropolis ought to be treated somewhat differently to other places, because the Heath is very often visited by the Queen and the Royal children, and a great number of visitors who come to London for various purposes use the Heath.

2210. And is there another reason that the metropolis is a place which the House of Commons experimentalises upon much more than any other place in Her Majesty's dominions?—Exactly.

2211. For instance, with regard to the sewage, the Metropolitan Board of Works have the charge of that, which has been made necessary by the legislation of Parliament?—Yes.

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2212. First of all, compelling the metropolis to empty it into the river, and then to take it out again?—Yes.

2213. The metropolis is legislated for by Parliament; with regard to putting it to expense, in a way, I believe, that no other town in the country is legislated for?—Certainly.

2214. If they legislate in that direction, do you think it is right they should legislate in another?—Certainly.

2215. Wherever the funds are to come from, how much do you calculate it would cost to purchase these 250 acres?—First of all, I presume, the lord of the manor would establish certain rights over the estate; he certainly has had, probably from time immemorial, the profit, whatever that may be, of the sand, which is very largely dug, and to a great extent sold. At this moment enormous quantities of sand are being carried away without any regard to the Heath itself, and it is being very rapidly deteriorated. They are digging sand from under furze bushes and plantations; the Heath is not looked to at all, and it is very greatly damaged by that. Within the last few years the Heath is very much deteriorated.

2216. Is that sand throughout the whole of the Heath, or only in parts?—Only in parts; parts of the Heath are clay, and some parts sand, a large portion is clay; a portion is boggy, something like Wimbledon Common.

2217. Does it require draining?—It would be an advantage to have a slight surface drainage, agricultural drainage; it certainly would make it more enjoyable.

2218. At present it is not drained?—It is not drained.

2219. Mr. *Cox.*] You were going to the cost?—I think the actual profit derived by the lord of the manor from the Heath, at present, is very trifling; I cannot form any opinion as to the amount, but it must be very trifling.

2220. *Chairman.*] You never formed an estimate?—No; I have not formed any further estimate than this, that I think as the lord is merely lord of the soil, without power to build on or inclose the Heath, a very moderate sum would compensate him for that; certainly 100 *l.* an acre would be far beyond it.

2221. The value of his rights over the Heath must be estimated by what might probably, if he had sufficient power, be done with the Heath; whether he could build upon it; that is the point that gives you the value?—That would give the value.

2222. And that is the sole question of any importance, whether or not he could build upon it?—That is the serious question.

2223. What do you consider would be the value of those 250 acres?—In my opinion the lord's rights would be amply compensated by a payment of somewhere about 30 *l.* an acre.

2224. Do you make that estimate with reference to the title of the present possessor?—No; without any such reference at all.

2225. Supposing it belonged to him altogether, to do just as he pleased with it, would you think then that 30 *l.* an acre would be sufficient compensation?—Ample.

2226. Do you say that with reference to his having a right to build upon it?—I conceive that he has not a right to build on it.

2227. You think not?—Not the right to build over the whole of it; but then comes the question whether he has not a right, with the consent of the homage, or even without the consent of the homage, to approve certain portions of it, leaving sufficient for the commoners.

2228. Was your estimate made allowing for that?—My estimate is made allowing for that.

2229. Now what portion do you consider he has a right to build upon with the consent of the homage or without?—Even with the consent of the homage, it would not be a good custom, I imagine, to extinguish the whole of the common.

2230. Mr. *Shaw Lefevre.*] He must still leave a sufficiency for the commoners?—He must still leave a sufficiency, and what a sufficiency is, is a very difficult question to decide.

2231. *Chairman.*] But supposing all the commoners agreed to it, what could be done then?—If by any agreement with the commoners, or by any other means, the lord of the manor obtained the fee simple of the whole 250 acres, of course the 250 acres would be very valuable; but I think that could not be done without an Act of Parliament.

2232. Mr. *Shaw Lefevre.*] Have you formed any opinion as to what the consent of the homage consists?—I will tell you in what way, practically, I understand the homage to be affected,—a notice is put on the doors of the church, only the church, not dissenting chapels, saying that a Court will be held at a certain time; I believe that the commoners very rarely attend, owing to that notice; but I believe certain of the commoners selected by the steward are summoned, and there is a very small attendance.

2233. All the copyholders have a right to be there?—I believe they have.

2234. Supposing a considerable number are there, and many of them, but not the majority, object to the inclosure?—I presume that the consent of the majority of the court then constituted would be the consent of the homage.

2235. *Chairman.*] Is it not a simple principle of law, and one that never can be got over, that where there are persons who can do an act, and it is necessary that they should consent, they should be all summoned?—They are summoned, I believe.

2236. What I understood you to say was, that there was a notice put upon the church-door, but that the steward of the manor gave a special summons to certain persons, and excluded others?—He only summoned a certain number.

2237. Does that Court then consist of the whole that meet to perform the Act?—Oh, no; very few.

2238. Mr. *Shaw Lefevre.*] It arises from the difficulty of obtaining them?—I believe that is the usual custom, that the steward summons a certain number of persons.

2239. At the same time, the copyholders have a right to attend?—Yes.

2240. One very important question for this Committee then is this: supposing commoners present in large numbers, has the lord of the manor a right to select out of them a jury composed of any one he likes?—I do not think he has.

2241. Then supposing the consent of the whole homage be necessary, does that mean the consent of every one, or the majority?—I have never understood that the homage is in the nature of a jury, like a jury at Nisi Prius, which requires the whole jury to be of one mind.

2242. But

2242. But that in the case of a common every commoner is personally interested; and apart from such custom, the consent of every one would be necessary; is it not therefore reasonable that every member of the homage should give his consent?—Take the case of the manor of Tottenham; there, by some ancient custom the whole of the inhabitants, not merely the commoners, have an interest in the waste land, and when a question arises, they form a committee, called the Waste Lands Committee, and the vestry, that is, the majority of the vestry, binds them.

2243. *Chairman.*] But the vestry are elected?—No; it is an open vestry.

2244. Then everybody goes?—Everybody goes, or has a right to go.

2245. Mr. *Cox.*] And there is just the same notice by posting on the church-doors?—Yes.

2246. Mr. *Doulton.*] Did I understand you to say that with the consent of the homage, there are certain portions of the land that Sir Thomas Maryon Wilson can build over?—You see that is a question of some difficulty. One does not like to say anything prejudicial to the public interest; but certainly I conceive that, with the consent of the homage, a portion of the common land or waste land could be inclosed, and discharged from the common rights, and that land might be built upon.

2247. Do not those lands to which you now allude come under the restrictions of the father's will?—I am putting that entirely out of the question; I am looking at it now as if the lord of the manor had the fee simple.

2248. You are looking at it now as if the Act of Parliament had passed which he applied for?—The question put to me was as to the value of Hampstead Heath, and I have answered it as being the value of the fee simple; of course I know that Sir Thomas Wilson is restrained from granting building leases.

2249. Then he has not only the right of the commoners and the copyholders to deal with, but also the restrictions must be got rid of which prevent him letting this land?—Yes; at the same time, if you have the steward before you, he will tell you that Sir Thomas Wilson claims a right, independently of the leasing powers, to approve any portions of the waste, and after they have been approved, they may be inclosed, and, I presume, built on.

2250. Have such inclosures ever been made?—Not in recent times: the last inclosure was made a very few years ago of a portion of the heath on the summit of the hill, for the purpose of a reservoir for the New River Company. That was made with the consent of the homage.

2251. If Sir Thomas Wilson had succeeded in passing any of the Acts for which he has applied, he would still have had to deal with the rights of the commoners and copyholders?—Certainly.

2252. When you spoke just now of 30*l.* an acre being the value, did you take into consideration the disadvantages under which the present tenant labours?—No, not at all.

2253. Do you mean to say that 30*l.* an acre is the value of the land, free from all restrictions?—No; I say that all the lord has at present is the right to the soil, to dig for minerals and sand; he cannot inclose without the consent of the commoners, and I do not think the commoners could carry it to the extent of extinguishing the whole of the common; therefore the lord has only partial right over the soil, and I think 30*l.* an acre would be ample compensation for the extinguishment of his right as lord of the soil.

2254. Has Sir Thomas Wilson inclosed any for the purpose of planting?—He has; with a proper fence.

2255. What part is that?—It is near the pond, in what is called the Vale of Health, the east portion.

2256. Has any portion of land so inclosed been subsequently made use of for building?—No, not any portion of the heath; not within modern times.

2257. What do you suppose was the purpose of inclosing this as a plantation?—My impression was, that it was done for the purpose of maintaining the inclosure for a number of years, and then claiming it as inclosed land, discharged of common rights. It was inclosed and ornamentally planted very near a portion of the ground which Sir Thomas Wilson laid out for building. The foundation stone of the first house was laid, and then the whole thing was suspended, and has never gone on since.

2258. The fence is preserved?—The fence is preserved; perhaps it is not in quite such good order as it was when first put up, but the fence is still up.

2259. Of course the land so inclosed produces him nothing?—Nothing of any value.

2260. Is it your opinion that the heath has very much deteriorated within the last few years?—The heath is very much deteriorated indeed within the last few years. I believe the deterioration which has taken place is chiefly from digging sand. The sand is not dug with any view to the condition of the heath, but rather the contrary. For instance, a seat was placed on the heath, and they chose that spot for the purpose of digging sand, until the seat was in danger of falling down and was removed. And the roots of trees are exposed by this digging of sand, and the trees are consequently either lost or injured; besides which there are holes in which the dirty water accumulates, and that very much deteriorates it indeed.

2261. Is there anyone to give directions as to where the sand should be taken?—I presume the bailiff of the lord gives directions and gives licenses.

2262. In the case of the vestry of Hampstead they have a right to dig for sand, have they not?—They have a right, I believe, under the Highway Act.

2263. Do they exercise that right?—Not to any great extent.

2264. Do they at all?—I am not aware; but the surveyor is here, who will be able to tell you.

2265. As I understand, in your opinion, the preservation of Hampstead Heath is not simply metropolitan, but national?—Yes; that is my opinion.

2266. And therefore some portion of the fund ought to be contributed by the country?—Yes, I think so, as it is, to a certain extent, national.

2267. Failing a successful application for getting any sums from national resources, how do you propose that the purchase of this heath, and other similar commons, should be made?—As regards Hampstead Heath, there are certain portions which might be converted into building ground without destroying the heath, and that would produce a considerable fund.

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2268. There are portions of the heath which might be used in that way without affecting the general character of the heath?—Yes; which would not affect the enjoyment of it by the public. I think, if some adjoining land were taken, particularly at that part called Traitor's Hill, which overlooks a part of the heath very much frequented by the public, having a foot-path across it, very considerable funds might be acquired by building on parts of it, because the frontage would look on to a space which never could be inclosed, and therefore it would be a very desirable place for residence. I think, if some of the adjoining lands were purchased, a considerable portion of the expenditure might be recovered.

2269. What part of the heath could you apply for that purpose?—The only part of the heath proper which could be applied would be part of what is called the Lower Heath, that is, the south-east extremity, not very far from the railway station.

2270. Mr. *Cox.*] It is down in a hole?—It is rather low, but not very low.

2271. I mean as regards the surrounding heath, it is in a hole?—It is in a very good situation for houses, and could be very easily drained.

2272. Mr. *Doulton.*] Supposing the remainder of the heath to be preserved as an open space, as it is, in perpetuity, that portion of the heath would be more valuable?—Yes.

2273. It would realise a considerable sum?—Yes; my estimate is that the purchase of the heath would not involve a very large expenditure. I do not think the commoners' rights are of much value.

2274. Is it your opinion that a sufficient quantity of ground can be sold without deteriorating or altering the general character of the heath, as would nearly repay the cost of purchasing it?—I cannot say that.

2275. As regards the usage of the heath by the public generally, I understood you to say that it is very much used by the public, especially on holidays?—The use of it is quite extraordinary on such days as Good Friday, Easter Sunday and Monday, and a great many Sundays in the summer time; a great many persons resort here from all parts of London. They come by railway, they come on foot, in carriages, cabs, and so on, and children in perambulators.

2276. Are there any railways near Hampstead Heath?—There is a railway station that adjoins the heath, which is called the Hampstead Heath Station; that line runs into the most populous and poorest districts of London; it runs to Islington, Stepney, Limehouse, and so on.

2277. Is there any other railway coming from the metropolitan districts?—One company has obtained its Act, and two others have passed through the House of Commons, and have been read a third time.

2278. Mr. *Tollemache.*] To what extent has Sir Thomas Maryon Wilson planted Hampstead Heath?—Not to a very great extent. There are some ornamental trees there.

2279. How many acres has he planted?—It is hardly a question of acres. Perhaps altogether there is not above an acre or so that is planted.

2280. Is it not nearly 20 years since those plantations were first of all made?—Some of the trees are older than that.

2281. I mean the part inclosed?—The part inclosed has been done, I believe, within the last 20 years.

2282. I think you say that if Sir Thomas Wilson had the fee simple of this property, instead of simply having the life interest, the inclosures and buildings might go on to a much greater extent than at present?—Yes, I think so.

2283. Could not he get over that difficulty in this way: could not his brother and brother's son join with him in giving a title?—I imagine not; I believe that all Sir Thomas Wilson can do at present is to grant leases for 21 years; agricultural leases in fact. Sir Thomas Wilson might marry and have sons. I have no doubt that if a title could have been made in the way suggested, some attempts would have been made long ago.

2284. Mr. *Hanbury.*] You probably heard a question which I put to one of the previous witnesses, to this effect, whether the people of Hampstead would be willing to bear any extra expense in the way of a rate for preserving the heath?—I think not. If I may be allowed to say so, I believe there are many inhabitants of Hampstead, such as the tradesmen, who would have no objection to see the heath covered with houses, because it would bring them customers. But the feeling of the vestry has always been in favour of preserving the heath as an open space, although there are many people who would have no objection to see houses built upon it.

2285. Mr. *Cox.*] But none of them would be willing to pay an increased rate?—I, personally, should have no objection; but I do not think it would be generally approved.

2286. Mr. *Hanbury.*] Your decided opinion is that it is more a metropolitan question than a local one?—In my opinion it is almost entirely a metropolitan question.

2287. I should like to ask whether the Metropolitan Board of Works, of which I believe you are a member, could purchase any of the rights of the heath, and so become commoners. I wish to know whether that question has ever been discussed?—The only way in which the Metropolitan Board could acquire Hampstead Heath as a place for public recreation would be under the powers of the Local Management Bill, to apply to Parliament for a Bill to enable them to take it, as they have done in the cases of Finsbury and Southwark.

2288. My question had simply reference to whether the Board of Works would have a voice in the preservation of these open spaces?—Decidedly. It strikes me that what is wanted in regard to Hampstead Heath is as much as possible to preserve it in its present condition; to go to no expense upon it beyond a very few hundred pounds; to prevent encroachments upon it by extinguishing the rights of the lord; to satisfy the commoners if they have any claims, and to make regulations for keeping it in order.

2289. Mr. *Shaw Lefevre.*] I understand the Honourable Member to suggest that the Board of Works should have the power of buying up the rights of the commoners, and using those rights for the purpose of keeping the common open?—The Metropolitan Board could not do that under its present constitution.

2290. Do you think it advisable that powers should be given to them to buy up those rights of the commoners, with the view of preserving the common as against the lord of the manor?—I think it is desirable that there should be an Act of Parliament empowering the Metropolitan Board to acquire these open spaces.

2291. That is another point; but what I want to

to know is this, whether you think it desirable that the Metropolitan Board of Works should have the power of buying up the rights of the commoners or copyholders, and using those rights as against the lord of the manor?—I think that would do very little good.

2292. Mr. *Peacocke.*] Can you tell us anything about the commoners' rights over Hampstead Heath?—The commoners' rights over Hampstead Heath are very much like the rights of commoners in other parts of the country. They are of very little value, because the soil is very poor.

2293. I mean, what are the rights; the rights of pasture we have been told of; have they the right of cutting furze?—I believe not; I have never seen it exercised.

2294. You believe that the commoners' rights are confined to the ordinary rights of pasturage?—I have heard it asserted that the owners of land there have the right of taking some of the soil for their gardens, but I doubt whether that is a legal right.

2295. Do you know by whom these common rights are possessed; are they in virtue of freehold and copyhold lands?—In virtue of both.

2296. Have you any idea of the number of copyholders?—No, I have no very distinct idea; I never heard it stated, but I daresay there are a considerable number of copyholders.

2297. In round numbers, do you think there are 50 or 60?—Certainly.

2298. Mr. *Shaw Lefevre.*] Is it a manor of considerable extent?—No.

2299. It might be the interest of the copyholders to favour the building upon this common, and therefore they might be unwilling to interfere?—It might; there is no security against it, with the consent of the lord of the manor. It must also be remembered, that since the recent Act of Parliament for enfranchising copyhold lands, enfranchisements are very rapidly proceeding. A great number of enfranchisements have taken place at Hampstead, and there might ultimately be no copyholders left.

2300. Mr. *Peacocke.*] Do you mean that they could do that by going to the Inclosure Commissioners?—Yes, either by arrangement with Sir Thomas Wilson, or by going to the Commissioners.

2301. How do you mean by arrangement with Sir Thomas Wilson?—Those who held copyhold tenements might convert them into freeholds, so that the number of copyholders might be much reduced.

2302. Mr. *Cox.*] I want to know the distance from the Swiss Cottage to the heath?—I see that Sir Thomas Wilson's building frontage was estimated by Mr. Cockerell at 3,720 feet on one side and 3,650 on the other.

2303. Do you think that it would be a good arrangement with Sir Thomas Wilson to withdraw all objection to his building there, provided he was to forego his claim as lord of the manor?—I think it would be a very good arrangement, but we could never get Sir Thomas Wilson to agree to it.

2304. You think it would be a desirable arrangement on the part of the public to give Sir Thomas Wilson the right of building on the Finchley Road estate, if he would forego his rights on the common?—Yes, I do.

2305. You told us that if the Metropolitan Board would buy the heath, land might be sold at a high rate to pay for it?—Yes, some portion of it.

2306. Do you suppose that the vendors of that land are not quite as well aware of the value of it as the Metropolitan Board would be after they bought it?—No; what would give a fictitious value to the land would be the security of the heath not being built upon; that could only be given by Act of Parliament.

2307. You say that the value of the land would be increased from the fact of the Metropolitan Board purchasing it for the purpose of keeping the heath open in its particular locality?—In its present state.

2308. Mr. *Shaw Lefevre.*] You estimate it at 30*l.* an acre?—I consider that that is putting the value at a high sum.

2309. Do you think that the lord of the manor is likely to take that sum?—No, he would not take it.

2310. Have any negotiations taken place between the Metropolitan Board of Works and the lord of the manor?—No, none whatever.

2311. Then this price that has been named is an imaginary price?—Not altogether an imaginary price; the value has been confirmed by persons who are in the habit of valuing rights of that description.

2312. Even if you had the power of purchasing property of this description, there would be no probability of your purchasing it of the present lord of the manor at that price?—If there were an Act of Parliament passed to enable the Metropolitan Board of Works to acquire Hampstead Heath for the purposes of the public, then I presume it would go to arbitration, to be determined under the 68th section of the Lands Clauses Act.

2313. Supposing for a moment it went to a jury, is it probable that a jury would give only 30*l.* an acre for the land; would they not be bound to give the full value, and divide it amongst the different persons having claims upon it?—No, I think not.

2314. How do you imagine, then, that before a jury that question of value would be settled?—If an Act of Parliament passed for acquiring these open spaces round the metropolis, I take it that the provisions of the Act would declare that the lord of the soil must be compensated by arbitration for his rights in the waste; and also that commoners should receive compensation for their common rights.

2315. Would it be a fair thing to provide that the lord of the manor should be compensated only as lord of the manor, and with reference to his right now existing, and not with reference to the value of the land?—I think it would be perfectly fair.

2316. Mr. *Cox.*] Not having regard to the fact that his successor may build upon it?—I do not admit that.

2317. But supposing that to be the case?—I think that the rights of the lord of the manor are not the rights of a person holding ordinary lands; he has very limited rights over the waste.

2318. Mr. *Shaw Lefevre.*] I understood you to say that there was also a probability of the lord of the manor agreeing with the copyholders, and then inclosing as against the public; do you consider that the public have acquired no right over this common?—I consider that a custom for all the world to recreate themselves upon a common would be held bad at law.

2319. Do you not think that the inhabitants of Hampstead may have acquired by custom some right of recreation?—No; there is no part of Hampstead Heath that has been used as a

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village green; they go sometimes to one part, and sometimes to another.

2320. You mean there is no particular portion, but the whole of it has been used to a very great extent by the people of Hampstead?—Not the whole of it.

2321. The whole of it has been used by the inhabitants of London, to a great extent?—The whole of it.

2322. Could you point out any case in which a custom has been held bad that was limited to the inhabitants of so large a place as London even?—I am inclined to think that the courts would hold it to be too general. There is nothing definite about "London;" "London" may be the City of London.

2323. Taking Hampstead and the adjoining parishes, would that be too large an area?—So far as I can remember the cases in my reading, it has never gone beyond this, that the inhabitants of a ville may have a custom.

2324. What is the legal definition of a ville?—Not more than a parish, I should say.

2325. Are you aware of that case that I adverted to on a former occasion, in which they held that a custom to hold races in a particular town was good?—There was a case, I think, in which it appeared that the inhabitants of the town of Carlisle had been accustomed to hold races from time immemorial; I think that would very much come under the same law as the holding of fairs. The races would probably be held only three days in the year; but the custom of going upon the waste of a common during any time of the year is such a vague custom that I think it would not be upheld by our courts.

2326. You consider that, as the inhabitants of Hampstead have used not one locality, but the whole of it, they have acquired no right?—I think there has been do definite user of any portion of Hampstead Heath.

2327. They have used the whole of it?—To a very small extent.

2328. The general public have used it to a large extent?—The public of London consider it their own property.

2329. Have they used it for games?—Yes.

2330. In every part of the heath?—No, on those portions which are most fitted for games.

2331. I suppose you have seen donkey racing only in the road?—The lord of the manor has warned them from particular parts of the heath.

2332. Has the lord of the manor interfered with the use of the common by the public?—I think not.

2333. Mr. *Torrens.*] Do you consider that the enfranchisement of copyholders extinguishes the rights of commoners?—I think it does occasionally; I do not know whether it does universally.

2334. Mr. *Shaw Lefevre.*] Do you know of any recognised case in which a freeholder has turned cattle upon Hampstead Heath?—I believe that they are turned on the commons by freeholders.

2335. Those rights would not be extinguished?—No.

2336. Mr. *Cox.*] I understood you just now to say that you had estimated the value of this land at 30 *l.* an acre; are you aware that at this moment there is an offer of 600 *l.* an acre for that very land you were speaking of, so as to get rid of the lord's and tenants' rights?—No, I am not aware of it. I think that if the lord of the manor received 30 *l.* for his rights over the waste he would be amply compensated.

JOSIAH WILKINSON, Esq., called in; and Examined.

J. Wilkinson, Esq.

2337. *Chairman.*] I BELIEVE you are a member of the bar?—Yes.

2338. You are also a member of the Metropolitan Board of Works?—I was.

2339. And you are also Colonel of the 2d Administrative Battalion of Middlesex Rifle Volunteers?—Yes.

2340. Holding that rank, do you find it necessary to take your regiment on to Hampstead Heath?—Very frequently.

2341. For what purposes?—For the purposes of drill and parade. But not only do I, in my capacity of Colonel of the 2d Administrative Battalion do so, but it is the favourite and almost the necessary resort of a great majority of the Metropolitan Volunteers. The great difficulty we experience now is in finding open spaces in the neighbourhood of London, not only for the purposes of drill and parade, but also for target practice. Certainly, so far as Hampstead Heath is concerned, I cannot say that for the latter purpose it could be made available. But one of my regiments has a practice range, but that is off the heath; if the heath were inclosed, even the safety of that range would be endangered by the additional buildings in the neighbourhood. So that incidentally, as regards target practice, it is of great importance that these open spaces should be kept open, and so far as regards purposes of drill and parade, and meetings of Volunteers, it is absolutely essential. There is an Honourable Member here, under whose command I had the honour of serving, who recollects that we have frequently had very considerable musters of metropolitan regiments on that very Hampstead Heath, and he knows well its value. I think I am not exaggerating when I say there is not, on any side of London, a spot of ground so valuable to the Volunteers for drill and parade purposes as Hampstead Heath. The battalion which I command is called an Administrative Battalion, and it comprises the corps formed at Hampstead, Highgate (where I reside), Hornsey, Tottenham, Barnet, and the Royal Small Arms Factory at Enfield Lock. It is very difficult for me to find an open space where I can muster so large a battalion; we have over 1,000 men and 860 effectives. Now, a railway is in course of construction, called the Tottenham and Hampstead Junction, which, commencing from the Great Eastern system at Tottenham, passes the Great Northern system near Hornsey, goes through the lower part of Highgate, and joins the North Western system at Kentish Town. When it is completed there will be a kind of lateral communication, which will enable all the Essex and North Middlesex, and the East Middlesex, and parts of the Kent Volunteers to congregate in that particular spot. Therefore, I suggest that this is an additional reason why it is of the last importance that Hampstead Heath should be kept open.

2342. And is Hampstead Heath well adapted for the purpose?—Singularly well adapted for the purpose, on account of the uneven character of the ground, and the facilities which it affords for light infantry evolutions.

Lunæ, 1° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Buxton.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Sir John Shelley.
Mr. Tollemache.

JOHN LOCKE, Esq., IN THE CHAIR.

HENRY MASON, Esq., called in; and Examined.

H. Mason, Esq. 1 May 1865.

2343. *Chairman.*] I BELIEVE you are a Solicitor?—I am.

2344. Are you also Steward of the Manor of Epsom?—I am.

2345. How long have you been so?—I have been chief steward since the beginning of the year 1861; previous to that I was deputy steward, with only a short interval, for 30 years; and therefore my practical knowledge of the affairs of the manor extends over about 35 years.

2346. As I understand, Epsom Common only is comprised in the Bill before Parliament?—That is so; it is the only portion, with the exception of Woodcote Green, to which the Bill applies.

2347. There is no proposal by the lord of the manor to deal with the Downs?—None at all; he would not allow it for a moment.

2348. Have you the Report of the Inclosure Commissioners?—I have their Special Report.

2349. Will you be good enough to read it?—(*The same was read as follows*:)

"With regard to the remainder of the land (Epsom Common), the soil is of good quality, and the whole tract might be broken up and converted to arable purposes, and parts might be made available for building; but at present the common is overspread with dense furze. In places it is almost impassable during wet seasons, and the whole requires drainage; and, if the expediency of inclosing so large an extent of useful land has to be dealt with solely in an agricultural point of view, there cannot be any difference of opinion as to the propriety of the inclosure. But the objection to the measure is urged by certain landowners in the parish, and principally by those whose land is contiguous to the common, on the ground that it will be injurious to their property, and that the health, comfort, and convenience of the town of Epsom require that the entire common should be left open.

"The nearest part of the common (Stamford Hill) is a little less than half a mile from the town of Epsom; this is a spot to which the inhabitants of the town resort for exercise and recreation, and it is proposed to be reserved to them under the inclosure for the same purpose.

"I could not ascertain, nor was it contended at the meeting, that the other portions of Epsom Common are resorted to by the inhabitants of the town, except by equestrians.

"It may be observed here, that Epsom Common is a distinct tract from Epsom Down where races are held, and that not only the Downs, but several other commons in the neighbourhood of Epsom, lie open and uninclosed, and are accessible to the inhabitants of the town and neighbourhood.

"With regard to the objection to the inclosure, founded on supposed damage to the property of certain of the parties who oppose the inclosure, I am satisfied that no such damage will result in a direct form. The inclosure may destroy one of the principal features of the district, when viewed from the premises of the objectors, and houses of an inferior description may spring up, and may further prejudicially affect the view, but I submit that this indirect and remote injury, if any, ought not to be allowed to interpose a bar to the reclamation of so large and valuable a tract as Epsom Common. And I may here call your attention to the large number of owners of land and houses in the town and parish of Epsom who signed the application. And I am of opinion that the proposed inclosure will not injuriously affect the health, comfort, or convenience of the town or neighbourhood; and that the measure is expedient and desirable, because it will lead to the reclamation and improvement of a large tract of good land now lying in a comparatively profitless state, whereby its value, whether for agricultural or building purposes, will be more than trebled, and because a large amount of labour will thereby be provided for the poor."

No petitions or memorials against this inclosure have been received at this office.

The Inclosure Commissioners, on considering the Report of their Assistant Commissioner, and having regard also to the health, comfort, and convenience of the inhabitants of Epsom, as well as the advantage of the proprietors of the land to which the application related, issued their Provisional Order.

This Provisional Order having received the necessary amount of consents, the Commissioners have deemed it their duty to certify to Parliament the expediency of the proposed inclosure.

H. Pyne.
(By Order of the Board.)

Inclosure Office, 27 March 1865.

H. Mason, Esq.

1 May 1865.

2350. What distance is Epsom Common from the Downs?—I should think about a mile and a half.

2351. Epsom Common is to the south, is it not, of Epsom town?—West or south-west.

2352. And the Downs are to the east?—To the south.

2353. Will you state to the Committee what you consider to be the rights of the lord of the manor over the common?—In the first place, the soil is in him as lord; there are the general common law and customary rights.

2354. What are those?—The right to all minerals, of shooting, the right to all the ponds, the right to the timber, and the right to dig for gravel and clay, which right has been exercised on this common to a very large extent solely by the lord of the manor, or those to whom he has given special authority for the purpose.

2355. Every lord of a manor has, I suppose, the right of shooting over the manor?—I believe so.

2356. But not over the inclosed land?—Unless reserved.

2357. Mr. *Lyall.*] Do you say that the lord has the exclusive right to the ponds?—He has.

2358. *Chairman.*] To the fish?—To the fish. He used to let the fishing; it formerly produced valuable species of gold and silver fish.

2359. You say that the lord has the exclusive right to the soil?—The exclusive right.

2360. Mr. *Lyall.*] Then if he drained a pond would he have a right to inclose it?—Just so.

2361. *Chairman.*] Do you mean to say that he would have a right to inclose it?—We should contend that the ponds are the lord's absolute freehold.

2362. Are there any copyholders?—A great number.

2363. Do they exercise any rights over these ponds?—None whatever, except that they may use them for watering their cattle.

2364. Do they ever take the fish from them?—Only by stealth.

2365. Have they ever been prevented from doing so?—I cannot speak with certainty about that, because I have not deemed it a matter of great importance, the principal pond having within the last 10 years been converted into a cultivated piece of land, and inclosed.

2366. Have not the cattle of the copyholders drunk out of those ponds?—I apprehend they may have done so.

2367. When animals are turned on to the common they must have something to drink?—There is not much difficulty, I apprehend, about that, because there is too much water on the common.

2368. When the lord of the manor inclosed this particular pond, he probably left sufficient water for the cattle to drink?—I presume so, for I have never heard any complaint; the pond was not inclosed by his authority.

2369. Supposing the lord of the manor to take it into his head to drain all the ponds and inclose them, would not the copyholders, those who have rights of common over the common, have a right to complain, and to insist that there should be sufficient water left for the cattle?—I think that they would have such right.

2370. Is not that the general rule with regard to commons?—I speak merely with regard to this particular common.

2371. If the lord approves, must he not leave sufficient to supply all the rights of common?—If he incloses land, of course he can only inclose, leaving sufficient land for pasturage.

2372. Would not the same rule apply to a pond?—I have never considered the question, for it has never arisen.

2373. Am I to understand that it is only one pond that has been drained?—I am not sure of that. The ponds have been leased from time to time, and I am inclined to think that another was made dry by the tenant to whom it was leased, but not by direction or authority of the lord of the manor.

2374. What is the extent of that pond that has been turned into cultivated land?—Five or six acres.

2375. How is it inclosed?—I believe by a post and rail fence; it is ploughed up.

2376. Has the lord any right of turbary?—Oh, yes; turves have been taken to a considerable extent, by his special authority exclusively.

2377. Are those all the rights of the lord that have been exercised?—So far as they have been exercised, within my knowledge, over the common.

2378. How many copyholders are there?—There may now be, perhaps, 150 copyholders; but there have been many more. We are enfranchising the manor to a considerable extent.

2379. In what way are they copyholders?—They hold by grant from the lord by the rod in the usual manner, at the will of the lord, subject to a fine of two years' improved actual value on death, and one year and a half on sale or alienation.

2380. What do they hold?—Land and houses.

2381. In the vicinity of Epsom?—The parish and manor are co-extensive.

2382. They are copyholders of the manor in right of the property that they hold?—Yes.

2383. I think you say that there are about 150 copyholders?—Some time ago there were 200 on my list; but within the last few years they have been reduced in number in consequence of the enfranchisements which have taken place.

2384. Are there commoners besides?—I know of none. There are some freehold tenants, who pay in respect of their freehold lands small quit rents.

2385. Have they rights of common?—Some question has lately arisen about that; I think they have, because according to the customal the rights are said to belong to copyholders and freehold tenants of the manor.

2386. How many are there?—Perhaps 20 or 30.

2387. You say that there are no commoners irrespective of copyholders and freeholders?—None.

2388. What are the rights of the freeholders and of the copyholders?—They have, according to the custom, rights of common; but I should mention that when we were considering the matter before the Assistant Tithe Commissioner he disallowed all who could not prove that they had exercised rights of common; the measure was supported almost universally by the copyholders. We had the impression that those who occupied and held a house and garden had rights in the inclosure; but they were all thrown out of his consideration.

2389. Whose votes did they allow?—The votes only of those who could prove that they had exercised rights of common.

2390. How

2390. How many persons proved the exercise of those rights of common?—About 40 on the computation before the Commissioners.

2391. What were the rights that they exercised?—The right of sending cattle on to the Downs, and of course the common; the waste lands generally.

2392. No other right?—No other right.

2393. Did they not claim the right to cut turves?—No; that is regulated by an authority given by the lord of the manor to a person at Epsom, who exercises that right under a power given to him for the purpose.

2394. What is the size of the common?—The Commissioners put it at 400 acres, and I daresay they are right.

2395. Have the public enjoyed this common in any way?—Not that I am aware of. The only occasion on which it was attempted, to my knowledge, was a few years since, when, without permission, there was a steeple chase; I immediately, by direction of the lord, objected to it, and it has never been repeated.

2396. I suppose they wished to erect booths?—All that might be necessary for the purpose.

2397. Do people play cricket upon the common?—They have been in the habit of playing cricket on Stamford Green, which is still to be retained for the purpose.

2398. Is it what you call a village green?—It is outside the village; I should rather call Clay Hill the village green.

2399. Have the inhabitants of Epsom always used this Stamford Green to play cricket upon?—No, I should not say always; of late years it has been laid down more particularly for that purpose, with the consent, however, of the lord of the manor.

2400. For what length of time?—Ten or 15 years, within my knowledge; it may have been so previously, but playing cricket has within that time become very common there.

2401. How is it inclosed?—There is a ditch outside, so as to separate it from the rest of the common.

2402. It has been used for 10 or 15 years, within your knowledge, and you say it may have been so before?—It may have been before; but it has been of late years specially allotted, with the consent of the lord of the manor.

2403. Has Clay Hill been used in that way?—No, it is not level enough.

2404. What has it been used as?—It has been used as an open space. A fair is annually held there, which attempts have been made to extinguish; but it was thought desirable that it should not be done away with, for the reason that such amusements, under proper regulations, were good for the people.

2405. I suppose people roam over the common?—I daresay they do; but though I have known it for 25 years, with the exception of, perhaps, a labouring man going across, I have never met them.

2406. Have you ever seen people pic-nic-ing, or anything of that sort?—Never.

2407. Then do you mean to say that, with the exception of Stamford Green and Clay Hill, the remainder of the common is used solely for the purposes of pasturage, and not by the public?—That is so; and the state of the soil is such, it is so wet and damp, that it would require a great deal of draining to make it useful for any purpose.

2408. If it were drained, I presume it would be useful?—It would be very much better.

2409. What is the proposal now made with regard to its being partitioned?—That it should be partitioned for the use of the parties having rights over it.

2410. You say those were found to consist only of 30?—Those were the assents, who formed more than the required majority for the purpose of the Commissioners.

2411. In value?—In value.

2412. Now with regard to the dissents, what were they in number?—About 9 or 10.

2413. You said there were 150 altogether?—All those who had not proved their rights were thrown out of consideration.

2414. The Commissioners rejected the others?—They rejected them.

2415. There were about 40 that they took into consideration; and out of those there were 30 assenting, and 9 or 10 dissenting?—Yes, 9 or 10 were put down as dissenting; but had the votes of the copyholders generally been taken, in that case there would have been an overwhelming majority in favour of the inclosure.

2416. However, the Commissioners, you say, awarded it on the ground that there were only these 40 people who were entitled to any rights?—I do not wish to go so far as that. I believe they went through the whole list of the parties.

2417. As I understand you, they only adopted 39 or 40 of them as being entitled to any claim for a part of the inclosure?—Just so; subject, of course, to their proving their right afterwards; that was still open.

2418. All the others were rejected?—Yes.

2419. And if all the others had not been rejected, you say that most of them would have agreed to the inclosure?—Yes.

2420. Then, the fact is, both the lord and the copyholders were anxious, for their own benefit, to inclose this common?—With regard to the lord of the manor, it was not for his benefit; the proposal for the inclosure emanated from the people. I believe, financially, the lord had better be without the inclosure; I think more is to be made of his rights without than with the inclosure. It is a piece of unprofitable waste land, and it was thought that it would be for the benefit of the town and neighbourhood that it should be inclosed, which he agreed to, so long as the Downs were untouched.

2421. What proportion would the lord have?—About one-sixteenth. The particulars of the allotments to the lord are specified in the order of the Commissioners.

2422. Mr. *Lyall.*] How long is it since the idea of inclosing Epsom Common was suggested?—It has long been mooted, but it was only seriously taken in hand about the beginning of 1863.

2423. When were any official steps begun?—Last year.

2424. The beginning of last year?—Yes.

2425. From whom did it emanate?—From the copyholders, represented by their solicitors, Messrs. White & Ward.

2426. They acted as the agents for the copyholders?—Yes.

2427. Upon what ground was it suggested; did the copyholders expect great benefit from it?—Of course they expected something of the kind. By the inclosure of Epsom Common, a large tract of now worthless land would be brought

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brought into use, and would lead to the erection of houses there, which would much improve the trade of the town, and cause an increase of population, which would do the town a great deal of good.

2428. I suppose the idea is, that land will be more valuable there now there are two railways to London?—It will become valuable, if only properly drained.

2429. There is no land about Epsom which would not be considered worth 100*l.* an acre, I presume?—I think you might find some in the common fields.

2430. What kind of a common do you consider Epsom to be; is it a common appendant, or a common pertinent; what is the legal name that you give to it?—I know there is a distinction between the two, but no occasion has arisen to call my attention to the subject with reference to this manor.

2431. Have any of the landowners, or persons not immediately interested in the common objected?—I do not know of any.

2432. Nobody has objected, except those really interested in it?—Nobody but those who are interested in it.

2433. You say that the inhabitants generally are anxious to have this inclosure?—I am sure they are; I may say that the majority of the Board of Health, as I am informed, is strongly in favour of it, on the special ground that, owing to the exercise of their powers, a large debt has been contracted, for the purpose of draining and improving the town and neighbourhood, which has raised the local rates to, I think, 6*s.* 4*d.* in the pound; and of course if they increase the area for building operations, that will increase the number of inhabitants, and that debt will be imposed on the whole body; therefore, anything that will encourage building there will be of great benefit to the town.

2434. I think there are some wells there, which are the property of the lord?—Yes, there is one or more in some land belonging to the lord adjoining the common called the Old Wells. A circular space on the map represents such land.

2435. *Chairman.*] Is the well still there?—Yes, it is still there, for anything I know to the contrary.

2436. Is it used at all?—I do not know.

2437. They take the salts out and carry it to Cheltenham, do they not?—I am not aware.

2438. Mr. *Lyall.*] Are the ponds which are used for skating outside Mr. Brook's gate inclosed, or are they open to the public?—They are not inclosed.

2439. Will they be inclosed?—That will be matter for consideration; there is nothing settled as to them.

2440. Have any other inclosures taken place upon Epsom Common in your remembrance?—There have been a number of inclosures made by small squatters, as I may call them, who have possessed themselves of small portions of the soil; but although the lord obtained acknowledgments from the larger number, and also took steps to assert his rights, he has not followed them up, and they have been now so long there that they consider they have acquired a kind of right. There has also been an inclosure for the church which has been built on the common.

2441. Has the lord himself, within your experience, ever inclosed any portion of the common?—Not any part of the common.

2442. You said, I think, that the lord would rather lose than gain by this inclosure?—That is my impression; I think that his right of digging clay, turf, and gravel would be worth more than the land he would get. He never has attempted to make it a source of any great profit, but if he had chosen to do so, I think he might have done.

2443. Within the manor of Epsom the Downs are included, I believe?—Yes.

2444. What kind of rights has the lord over those Downs?—The same as over the common, I presume.

2445. It does not stand in the same category as Walton Downs, which adjoin; do you know Walton Downs?—I know Walton Downs, but I do not know in what respect there is any difference between the two.

2446. On Walton Downs the landowners have specific rights to feed sheep, not as copyholders, but upon what are called sheep leases?—No, there is nothing of the kind on Epsom Downs.

2447. It is on just the same principle as the common?—As the common. Of course the races being run there, the lord takes out of them a considerable annual income, but that, I think, is involved in his general rights, and if it were not, it has been exercised so long that it has become a right.

2448. It is almost a prescriptive right?—Yes. In the year 1836 an action was tried, and a great struggle took place with respect to the right of running races on the Downs; the result was, the establishment of the lord's undoubted rights, and ever since then the lord has made annual arrangements for letting the ground to parties who put up their booths, and taking rent from them.

2449. And preserving the course?—And preserving the course; he appoints the clerks of the course.

2450. Has there not been an inclosure of these Downs of late years?—Within my knowledge there has been an inclosure for the Grand Stand, of which the lord granted a lease.

2451. Have there been no others?—Not that I am aware of, with the consent of the lord.

2452. There certainly have been some; at least, so I am told?—I think there have been some encroachments on the Downs by the plough, which ought not to have been made; the plough on the adjoining fields has gone rather too far; that has been going on within the last few years, to rather a large extent; however, it has now been stopped. There are also some foundations for booths, which, with the lord's consent, have been left standing, in order that a recurrence of a serious accident which took place some years ago may be avoided, and consent has been given for the erection of a shed for the use of horses in training.

2453. With regard to Epsom Common, you say it is rather a wet common, and you give that as a reason why you think it more desirable for the public use that it should be inclosed?—That is my impression.

2454. As well as for the private interests of the town of Epsom?—Yes.

2455. Supposing you come to Parliament, and ask for the sanction of Parliament to that inclosure, of course you naturally expect that Parliament will only give it to you upon certain terms. Now you have allotted here something like 10 acres to the public?—There are 10 acres for the neighbouring

neighbouring poor, and about 10 or 12 acres more for public use.

2456. You cannot call Woodcote part of the manor; it belongs to Mr. Northey?—I do not know; we have never had a legal opinion on the matter.

2457. Then, of course, whatever the amount of waste that Parliament requires you to leave, that, of course, you would not object to?—I should think not; but you will not take me as pledging myself to anything; too much might prevent the inclosure altogether.

2458. But there will be a very considerable amount for the public benefit?—We consider that we are leaving a very large piece for the public.

2459. What distance are Epsom Downs from Epsom?—About a mile and a half.

2460. Mr. *Doulton.*] Did I understand from you that the proposal to inclose the common originated only last year?—In a formal shape.

2461. Is it not the case that many years ago an application was made to Parliament to inclose it?—I believe that was so, but it was before my time.

2462. And was rejected?—Yes.

2463. The object of the inclosure, as I understand, is for the purpose of building?—There is no purpose designed.

2464. Has no plan been drawn out yet?—No.

2465. And nothing determined as to the character of the houses?—No.

2466. How far is it from the town?—The commencement of it is about a mile.

2467. I think I understood you that the lord of the manor is desirous that the downs themselves should be kept open to the public?—The lord of the manor has not the slightest intention of interfering with them; indeed I may state that in a financial and interested point of view it would be suicidal.

2468. If permission were granted to him to build over this common, do you think he would be inclined to give some guarantee as to the preservation of the downs?—Of course I cannot state what course the lord would pursue; I am not in possession of what his views are upon that point: but this I can state distinctly as my belief, that he would, as long as he has any power over them, refrain from anything like interference with the races being carried on, under such regulations as he may think necessary and proper.

2469. It might be a very material element in the decision at which this Committee may arrive, that there should be some guarantee that the downs themselves should be preserved?—Certainly.

2470. What are the rights which the lord exercises now in respect of the common?—I really cannot say further than I have done already.

2471. I merely ask for the purpose of ascertaining what would be the value of them?—It would be very small; under 50 *l.* a year.

2472. The profit?—The profit in respect of the exercise of all the lord's rights on the common would come under 50 *l.* a year.

2473. I think you said there were persons who exercised the right of cutting turf?—No, only the lord.

2474. But persons have exercised that right, have they not?—Not to my knowledge; I should certainly take steps to stop it.

2475. Did I understand you to say that the public do not use this common at all, that it has not been attempted to be used by them except for the one purpose that you named?—Yes.

2476. Do you reside near the spot?—No, I do not.

2477. Then you would not have much opportunity of seeing how it was used; you denied that it was used for the purpose of pic-nic-ing?—I said I never had seen it used for that purpose.

2478. Your opportunities of observing are limited?—Certainly, but they extend over 35 years.

2479. You have not seen it used for the purpose of pic-nics?—No.

2480. You never heard of some people from the place I represent, Lambeth, having a pic-nic there?—I never even heard so until this morning; but I did not know it myself.

2481. Are there any houses on the common?—There are a number of small cottages on the common, squatters, as I may term them.

2482. No houses of importance?—Mr. Brooks's estate comes up to one end of the common; and there are several other properties which adjoin it, but I do not recollect that there is any house of importance actually visible from any part of the common.

2483. *Chairman.*] Mr. Brooks has a lodge gate on the Downs, and likewise another on the common?—Not precisely on the common; it opens on to the road adjoining the common.

2484. His property reaches from the Downs to the common?—I think so.

2485. His park?—Yes.

2486. It reaches from the one to the other?—Just so.

2487. Mr. *Doulton.*] Will you take an opportunity of asking the lord of the manor the question I just now put to you with regard to Epsom Downs?—I will do so, certainly; but may I ask you the favour of repeating the question.

2488. The question I put to you was this: whether, if permission is granted for building on Epsom Common, the lord will be inclined to give any guarantee as to the use by the public of the downs?—Certainly, I will do so.

2489. Mr. *Locke King.*] I do not think you stated what the extent of Epsom Downs was?—About four hundred acres.

2490. That is adjacent to a large tract of down also?—Yes, Banstead Downs.

2491. Are they in the same position?—They are at present in the form of downs.

2492. But I mean with regard to the rights and enjoyment of the public generally?—I do not know; I think there is a portion of the adjoining manor of Walton that comes within the racecourse; the course runs over Epsom Manor, and a small portion of the adjoining manor.

2493. The public generally have greater enjoyment of Epsom Downs than Epsom Common?—Immeasurably greater.

2494. I gather from your evidence that they have been interfered with on Epsom Common, but not on Epsom Downs?—My impression is that they have never been enjoyed on Epsom Common.

2495. You have stopped a steeple-chase on Epsom Common, which you have not done on Epsom Downs?—We do not allow any one to do this at pleasure, even on the downs; it is under the direction of the lord.

2496. I suppose there would be no difficulty for the lord of the manor to bind himself and his successors to leave Epsom Downs in the state

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in which they now are?—I should think not, as far as I am aware, should the Lord be so disposed. Legal considerations, however, are involved in this question, on which I am not prepared to express an opinion.

2497. Mr. *Lyall.*] What they call "the Warren" is in Walton parish?—Yes.

2498. Therefore there is another inclosure of Epsom Downs there?—Yes, if by Epsom Downs Walton Downs are meant to be included.

2499. When was that done?—Long before my knowledge.

2500. Mr. *Locke King.*] What tract of down is there as a whole?—Four hundred acres.

2501. I mean adjoining the other downs?—I cannot tell you the whole; Epsom Downs are the principal ones.

2502. Mr. *J. Tollemache.*] You say that the manorial rights, as regards the common, are not valuable?—They are not at present very productive, but I think they could be made valuable.

2503. Up to the present time you say they do not exceed 50*l.* a year?—Yes.

2504. What are the rights as regards the Epsom Downs; are they much more valuable?—A great deal more so.

2505. What do you suppose to be the receipts of the lord in respect of those?—The principal source of income arises from the letting of the downs at the races.

2506. How much does that amount to?—£.650 a year.

2507. For both races?—Yes.

2508. Are the rights of any value besides those arising from the races?—Yes, there is the shooting, the gravel, and the turf.

2509. All those rights together, then, are of considerable value; perhaps 1,000*l.* a year?—I should not be inclined to go so high as that; I think it is probable they amount to 700*l.* or 800*l.*; but with regard to what he does make, I should tell you at once that three-fourths of the sum received for the races, less half the taxes and outgoings, he gives as a gratuity to the racing funds.

2510. If Epsom Downs were secured to the public in the way suggested by one of the Members, still the lord of the manor would not lose the rights which he has now?—I should assume that any arrangement of that sort would be made with a due regard to the interests of the lord.

2511. I mean that his present pecuniary rights may be preserved, and Epsom Downs be kept an open space, as it is at present?—Yes.

2512. *Chairman.*] I just want to ask you a question; was it the site of the Grand Stand that was let to Mr. Dorling?—Yes.

2513. That was built by a company, was it not?—Yes, under a lease granted by the lord.

2514. Can you say what was the rent of that?—The lord takes 30*l.* a year.

2515. For the rent of the site of the Grand Stand?—Yes.

2516. That is all he gets from it?—That is all he gets.

2517. The company built the Grand Stand, and they let out seats; or do they let it again to Mr. Dorling?—They sublet it to Mr. Dorling.

2518. Then, in addition to that, there are posts and chains put up alongside of the racecourse on each side?—Yes.

2519. And persons going within those rails have to pay a guinea for a carriage, do they not?—Well, I really go so rarely myself that I forget; I believe it is a guinea a carriage.

2520. Is it not two guineas down below, and a guinea on the hill?—I am not a racing man, and I really do not know.

2521. However, you are aware of this, that there is an inclosure by the site of the racecourse, and to go in there persons have to pay for their carriages, and likewise if they come on horseback?—Yes.

2522. But you do not know what the amount is that they pay?—I do not know.

2523. On the hill it is the same, at all events, with regard to carriages?—Yes.

2524. To whom does that money go?—The nature of the agreement is this: the lord grants the privilege for a fixed sum, and leaves the party to get what he can.

2525. How much does this party pay to Mr. Briscoe for the right to take toll of everybody who goes to the side of the racecourse?—That is the 650*l.* a year I spoke of.

2526. Is that in addition to the 30*l.* a-year ground-rent for the Grand Stand?—Yes; and there are one or two more profits; for instance, there is the Prince's Stand, that belongs to the lord.

2527. And there is another, is there not, where Mr. Tod Heatley goes?—I really do not know where that gentleman goes.

2528. Then there is what is called the Judge's Stand; that is another little piece of property?—Yes.

2529. How many of these permanent erections are there opposite the Grand Stand?—Only one.

2530. There are two or three, are there not?—I think only one opposite the Grand Stand.

2531. Do you know how many permanent erections there are there?—Only one that I know of: I do not know whether any have been made there very recently.

2532. On the side of the Grand Stand how many are there?—Only the Prince's Stand.

2533. Does Mr. Briscoe receive any rent for that?—He does: that Prince's Stand was there long before his time.

2534. How much is the rent of that?—That is held on lease by the same persons who hold the Rubbing House adjoining Epsom Downs.

2535. You do not know what the rent is?—I do know what the rent altogether is.

2536. What is it?—It is 40*l.* a-year together; 10*l.* a year for the Prince's Stand and 30*l.* a year for the Rubbing House; the latter rent was reserved in consideration of the rebuilding by the lessee of the Rubbing House.

2537. Can you form any idea of how much is received by the persons who are tenants of Mr. Briscoe on the downs for the purposes of the races?—Not the slightest.

2538. Mr. *Lyall.*] How long does the tenancy extend?—Only for the races.

2539. They are not annual tenants?—No.

2540. How long does the lease of the Grand Stand last?—It was granted originally for 90 or 99 years, of which, I should think, 30 have expired.

2541. Then they have 60 years more?—Yes.

2542. That is all.

GEORGE WHITE, Esq., called in; and Examined.

2543. *Chairman.*] YOU are a solicitor?—I am.

2544. And clerk to the Board of Health of Epsom?—Yes; and I have been a resident there for 20 years.

2545. Have you heard the evidence which has been given by the last witness?—Yes.

2546. Do you concur in it?—In almost every respect.

2547. Is there anything you wish to correct, or to add?—There are a few statements bearing upon this subject which I think it would be prudent the Committee should have from me. In the first place, as to the condition of the common itself: when the Board of Health was established it was thought practicable, by several eminent engineers, to make Epsom Common a collecting ground for the purpose of supplying the town with water; it was in such a condition, as regards dampness, that they considered it would be quite sufficient to supply the whole town with water. The common is in such a state, for want of drainage, as to be almost impassable for the greater part of the year, for pedestrians or horses. The Board, however, did not adopt that recommendation, but they sunk wells for the purpose of supplying the town. I should state, that Epsom lies in a basin, with open ground in every direction; there is nothing between Epsom and Kingston, Banstead Downs, and the higher part of Cheam, and for many miles there is an uninterrupted view, and no obstruction whatever, so that there is ample space for health and recreation. Then I should state that the common itself is used very little for the purpose of depasturing cattle. Some three or four persons, farmers in the neighbourhood, have turned out a large quantity of sheep, and Mr. Brooks has a large quantity of sheep which he turns out on the common; but with the exception of five or six persons, the right is rarely exercised.

2548. Is Mr. Brooks the exception?—Mr. Brooks is within the exception. With regard to the general desire of the inhabitants and the copyholders, I can state, positively, that it is the common should be inclosed; the tradesmen, more especially, for this reason—that since the establishment of two railways at Epsom the trade has been diverted, because they enable the gentlemen living in the neighbourhood, and the ladies particularly, to resort to London for the purpose of shopping, so that the trade has been materially diverted, in consequence of the formation of the railways; and it is considered that if the common were used for the purpose of having good houses built upon it, it would very much benefit the town, and would also much decrease the rates, inasmuch as the local taxation of Epsom is about 6*s.* 4*d.* in the pound a year, and I think there are 300 or 400 cottages, the rent of which the landlords have to pay, under a local Act of Parliament.

2549. Mr. *Lyall.*] You need not mention whatever you confirm with regard to Mr. Mason's evidence; I suppose you confirm all he said?—Yes.

2550. Therefore, knowing that, we need not go into any of the matters that he has mentioned; any new matter the Committee will be glad to hear?—I may say this,—that from information I have obtained of the medical men of the district, they have always been of opinion that if the common were properly drained it would very much add to the health of the place; there is a good deal of low fever which exists there at times, which is in a great measure in consequence of the state of the common. The lord of the manor has granted a license to one person who takes the soil as he pleases, and uses it, not only within the parish, but takes it away to other places, and the consequence is that a large part of the common consists of holes or pits, which during the greater part of the year are filled with water.

2551. There is a matter which I wish to ask you about, which I need not ask Mr. Mason, as it perhaps affects the general interests of the public. With regard to Woodcote Green, Mr. Northey claims that, as being lord of the manor of a portion of that green?—Yes, I have heard that he claims a right to that; I do not know it as a fact.

2552. Are you aware that he considers that his interests will be very much affected by this common being enclosed, because he says everything will be thrust down to Woodcote Green, which is just opposite his house, and that would be a great injury to him?—Of course no persons would have a right to exercise rights of common over Woodcote Green; it is like a village green; it is an open space, and I believe it is not intended by this inclosure to include the green; it is one of the points which were taken.

2553. Mr. *Locke King.*] It will be an open pasture, will it not?—Yes.

2554. *Chairman.*] Is it included in the Bill?—You will see by the order of the Commissioners it is stated that Woodcote Green, which was heretofore a portion of the waste of the said manor of Eblisham, otherwise Epsom, but which so far as respects the soil, is, as it is alleged by Edward Richard Northey, Esquire, now by purchase divided from the said manor, and is claimed by him to be his property, be converted into and used as a regulated pasture, to be stocked and depastured in common by the persons interested therein, in proportion to their respective rights and interests as the same shall be determined.

2555. Mr. *Lyall.*] Will the persons who have rights over Epsom Common have rights over that pasture?—Those rights will be altogether extinguished.

2556. Who would have rights?—Mr. Northey.

2557. Then will anybody else but the lord of the manor have any rights?—I believe nobody else has any claim to them, except the common rights which the copyholders have, which have been very partially exercised, if exercised at all.

2558. Mr. *Doulton.*] Do not the public use it at the present time for the purposes of games?—No, I have not seen any.

2559. Are you solicitor to the Board of Health?—Yes.

2560. Do you come here in your private or your official capacity?—I come here principally as representing the copyholders; but I happen to be clerk to the Board of Health, which enables me to make some statements to you.

2561. You do not come with their consent?—No.

2562. Have they expressed any opinion upon this inclosure?—No, not officially; they have not been called upon.

G. White, Esq.

1 May 1864.

2563. Have the inhabitants expressed an opinion?—Yes, the majority of the inhabitants have: it was my intention to have presented a petition on behalf of the inhabitants.

2564. Upon what grounds do you make the statement that the inhabitants are in favour of this inclosure?—Because they are of opinion it will be of great benefit to them.

2565. How have they expressed that opinion?—In conversation; there has been no regular public meeting held.

2566. There has been no expression of opinion except what you, as a private individual, have obtained from the inhabitants of the town?—That is all.

2567. No expression of opinion on their part beyond that?—No.

THOMAS ALERS HANKEY, Esq., called in; and Examined.

T. A. Hankey, Esq.

2568. *Chairman.*] Do you live at Epsom?—Yes, I live there.

2569. How long have you lived there?—About three years.

2570. Will you be kind enough to state your views with respect to the common?—I come before you on public grounds entirely; I have no interest in the world in the matter, excepting being a resident in the parish; and I conceive that a grave injury will be done to the neighbourhood by the proposed inclosure. I think it is put forth before you, on the evidence which I heard this morning, upon grounds which cannot be substantiated; and I come forward, as a public man, to do what I can to prevent what I consider to be a public injury. Epsom is a town with an increasing population; buildings are increasing round it on every side; and if any vacant land is to be disposed of there will be a large increase of houses. The public naturally look to you, gentlemen, not only for the present moment, but to look forward to posterity, to guard against having all the open spaces so near to London as Epsom is being filled up in the way that is now proposed. My belief is that this is originated entirely by parties who are interested themselves. I believe it is adopted with regard to their private interests entirely, with a view to create bills and charges and so on, and the personal emolument which would emanate from that source. I have no interest in the matter but to endeavour to do my best to protect what I conceive to be the public interests, and that it is which leads me to come forward. Now, there are several things which have been given in evidence this morning which I protest against. Mr. White has stated that the Board of Health wish it. I am a member of the Board of Health, and there is another gentleman present who is a member of the Board of Health; and I think that other members of the Board of Health will agree with us in opposing this inclosure. It has never been before the Board of Health, and they have no right whatever to bring forward the Board of Health as an approving party. Now, in consequence of the increase of trains, Epsom is brought within half an hour of London; and such places as these may be truly described as the lungs of London, places into which a crowded population may come for purposes of health; and by the aid of railway communication they are enabled to derive a benefit which, if it can only be preserved to them by the foresight of Parliament, may be hereafter of great and essential importance to the welfare of the country. I believe that very little benefit will arise to these small claimants. The fact is that the common and all its rights have, by the lapse of time, got into that state that it is with the greatest difficulty that anybody has been able to ascertain who have rights and who have not. It is held out to the tradespeople of Epsom that they will be greatly benefited by this measure, and consequently, to a certain extent, some of them think that if their pecuniary interests are to be promoted by it, they would be very glad that it should be carried out. At the same time you, gentlemen, are bound to know what are the real grounds upon which this movement takes place. It has been said that there are no houses which can be seen from the common; that is not so; it is in the close vicinity of Mr. Brooks's place, one of those parks which are a great ornament to the country; and it cannot but be a very offensive thing to a gentleman who has got property like that, to have the beautiful open country, which has induced me and many others to live in the neighbourhood, inclosed, so that instead of being able to enjoy the open beauty of the country, walls, or whatever may be the partitions, are to be erected. The distance of the downs has been adverted to: as regards Epsom, although the downs may be, and no doubt are, a very great advantage, yet the downs are a mile away from Epsom, and consequently, if the inhabitants of Epsom want an open space, this common being only about half a mile from the town, it is one of those local advantages which the female part of the community more especially enjoy, who would not be able to walk up to the downs in hot weather, whereas this being only half a mile off, it affords them an open space for their enjoyment; they are going to take away all the other open spaces from the town of Epsom, therefore this is the only space, excepting the downs, which is in the immediate neighbourhood.

2571. Is it used now by persons at Epsom for the purposes of recreation?—It is; for instance, for an evening walk; there is no promenade there; it is not adapted for a promenade.

2572. Do persons walk over it?—It is one of those open places that families who want an evening walk would go and stroll about upon among the furze. I do not mean to say it is a place for a promenade, but it is just one of those open places of recreation that all families in a crowded neighbourhood, or a growing town like to have, so that if they want a little recreation in an open space, they may have it.

2573. Have they hitherto taken advantage of it.?—I cannot say they have not; but I do not want to state more than I can testify to. Half a dozen families walking about or strolling about it would not attract observation, but I presume that in the neighbourhood it may, to a certain extent, be said to be used as a place of recreation. The Lord of the Manor or his lessee has dug a great deal of gravel, and obstructions have been thereby placed there, but as far as the case permits, it is one of those places that is resorted to, in a certain sense, by the inhabitants of Epsom. Then, perhaps, I may be allowed to say a few words with regard to Woodcote Green. I understand that

that Woodcote Green is to be included in this Bill. On the same grounds on which I come forward with regard to Epsom Common I beg to represent to the Committee that it would be a great hardship if Woodcote Green were in any way interfered with.

2574. Mr. *Lyall.*] Woodcote Green, I believe, is not to be interfered with; it is not to be inclosed?—I do not, perhaps, sufficiently understand what the word "inclosed" means; I only wish to say thus much, if the Committee would allow me, that everything which would impair the public use of Woodcote Green I consider to be a very great injury to the neighbourhood and to the public weal.

2575. Mr. *Doulton.*] You know, I presume, the purposes for which village greens are generally used; is it used by the public in that way?—I have seen, last summer, games of cricket played there, and I think it would be a most injurious thing to the neighbourhood if any kind of interference with it were permitted.

2576. *Chairman.*] It is found by the Commissioners that there is an annual fair held on Clay Hill; and Woodcote Green, which nearly adjoins the town of Epsom, has been used for the purposes of recreation; and Stamford Green also has, with the permission of the lord, been used as a cricket ground?—Yes.

2577. The order of the Commissioner says "that Woodcote Green, which was heretofore portion of the waste of the said Manor of Ebbisham, otherwise Epsom, but which, so far as respects the soil, is, as it is alleged by Edward Richard Northey, esq., now by purchase divided from the said manor, and is claimed by him to be his property, be converted into and used as a regulated pasture, to be stocked and depastured in common by the persons interested therein in proportion to their respective rights and interests as the same shall be determined on the examination of claims, according to the provisions of the 113th section of the Act 8 & 9 Vict. c. 118." Now, can you give any idea of the number of persons who claim those rights over Woodcote Green?—I have no idea; I imagine very few.

2578. Then according to this, it is to be left open, and the persons who now have rights over it are to have those rights reserved, and they are to use it as a common?—Yes, but do I understand from that that it is not to be inclosed in any way?

2579. It is not to be inclosed in any way, as I understand this?—Just so.

2580. It is "to be stocked and depastured in common by the persons interested therein"?—Just so. Now as regards Epsom Common, I understand that there are 30 or 40 poor families who will be beggared by this proposal; they are squatters who have been there for years, and who get half their living by what they pick up on the common, and it will be a very cruel case upon them. I do not know whether there are any other points that I can in any way throw a light upon.

2581. Have you exercised any rights over the common?—No, I have no legal rights; I only feel in common with others (for I believe it is a thing to which the majority of the gentry are decidedly opposed) that this inclosure will be a great injury to the neighbourhood. I have no doubt that representations have been made to one man that he will get so much land, and to another that he will get so much, and even in higher quarters it may be represented that they will get so many acres of land, which no doubt would be converted to purposes of building. And I should think, as regards the condition of the common, which has been adverted to, although I am no lawyer, and it is not for me to say what are the duties of the lord of the manor, yet I should have thought that there are some people who have some rights as well as the lord of the manor, and that the common might have been prevented from getting into the state in which it has been described as being boggy, and all that sort of thing. But I would take the liberty of suggesting to the Committee whether it is not the policy of the country, and whether we may not, as the public look to this Committee to prevent these spaces in the neighbourhood of towns already existing, and which may be expected to be very much enlarged, from being destroyed. I say that we ought to look to Parliament not only for the present moment but for the future to protect these open spaces, so as to secure the advantages of them to the future inhabitants, as well as to the present generation. I think I have no more to say upon the subject, unless you wish me to reply to any question.

2582. Mr. *Lyall.*] I think this common adjoins Ashtead Common, does it not?—Yes.

2583. And part of that has been inclosed?—Yes; there has been a large inclosure there, and the country thereabouts is of course very much altered, therefore we are naturally very desirous of preventing that in Epsom.

Mr. Robert John Phillip Jaquet, called in; and Examined.

2584. Mr. *Doulton.*] You are an inhabitant of Epsom?—Yes.

2585. How long have you been so?—I may say I have been there all my life, but I had a business in town, and I used to come up and down.

2586. Do you know the common which we are considering?—Yes.

2587. Within your recollection has any application been made previous to this for the purpose of inclosing this common?—Yes.

2588. How long ago?—I should say 50 years ago.

2589. Was it an application to Parliament?—It was intended to be an application to Parliament, but they could not get on with it.

2590. Was the application primarily made to the Commissioners?—There were no Commissioners at that time.

2591. Who was it made to?—It was merely calling the copyholders together with a view to get a Bill.

2592. You have heard the evidence given by the first witness to-day as to the common not being used by the public. Has it in your recollection been used, and is it now being used by the public?—I should consider it is being much used by the public; my own tenants speak very highly of it.

Mr. *R. J. P. Jaquet.*
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2593. Is it used at all by the inhabitants of the Metropolis for the purpose of pic-nic-ing?—I should state that until the last few years there were no means of access from London to Epsom except a coach once a day, therefore they have not had much opportunity; but things are very much altered now.

2594. During the last year or two has it been so used?—Yes.

2595. Are there any recognised footpaths across the common?—Not many.

2596. Are there any?—There may be some, but I do not recollect them.

2597. For what purpose is the common used especially now?—For grazing, and people walking about it. There is a great number of cattle there, much greater than has been represented.

2598. The inhabitants, we have heard, have not formally expressed an opinion as to the desirability of the inclosure of this land, but an opinion has been expressed that the inhabitants are in favour of it; do you know whether that is the feeling of the inhabitants generally?—They have never been called together for the purpose; it was quite by chance that I heard that the inclosure question was coming on; I think there ought to have been more publicity given to it; but I was told that they went just in accordance with the Act, and therefore there was no necessity for consulting the public opinion.

2599. No opinion has been expressed at all?—No.

2600. Are you a member of the Board of Health?—Yes, I am.

2601. And it has never been brought under their consideration?—No, not since I have been on the Board; I have not been, now, long a member, but I was several years ago, and I should say that if it was desirable to keep the common some years ago, it is decidedly more so at the present time, when there are such facilities for the public getting down there. They can come from London in half an hour, or 40 minutes, and it has been proved that the public do like it, by the numbers brought down the year before last.

2602. On what occasion was that?—It was from that gentleman's (Mr. Doulton's) locality; they come down for a picnic.

2603. Mr. *Lyall.*] Do you expect a very large population in Epsom and the neighbourhood?—Yes; I should state that places which, in my boyish days, were used for recreation have been built over, and inclosed: for instance, take the common field, that was an open space on which cricket matches were played. Then there is another part of Epsom which is now private property, where grass is cut; they used to play cricket there; then part is taken away by the railway. There is part of Woodcote Green Mr. Northey's late uncle planted with trees to prevent the youngsters playing; indeed every impediment has been adopted. There is a general regret of the inhabitants that they sanctioned the road through Woodcote Park, also over Woodcote Green, to be stopped.

2604. *Chairman.*] Do you consider that this common could be improved?—I do.

2605. In what way?—If the public had it I should think the town would take it up.

2606. You cannot suggest any mode by which it could be done?—Well, it has come on so recently that I really cannot say.

2607. Mr. *Lyall.*] Do you think the town would undertake to drain it?—I cannot say. I was very much surprised to hear it given in evidence here that there were no parties living near the common. There is Mr. Brooks, Mr. Levick, Mr. Willis, Miss Trotter, and others; those are parties who nearly abut on the common.

2608. Mr. *Doulton.*] Have any efforts been made at all by the lord of the manor to drain or improve it?—None that I know of.

2609. There has been no expenditure?—No expenditure.

2610. Has he exercised any control over the mode in which gravel is dug?—All I know is that he has always done it so as to get all the benefit he could for himself.

2611. *Chairman.*] In what way?—In every way possible; he gets it from the downs; there is a very large revenue from the downs.

2612. We are speaking now of the common: what has he done in respect of that?—I do not speak about the common particularly.

2613. Mr. *Lyall.*] He sells the gravel?—I think a Mr. Barnard digs the gravel, and it is sold by him.

2614. *Doulton.*] Is it within your knowledge that the lord only derives about 700 *l.* or 800 *l.* a year from the downs?—I cannot tell. I believe it has been stated that they have no right to put cords on the downs; that any freeholder or copyholder might cut them; it is done for the protection of racing, but they have no power to do it.

2615. It is disputed?—It is disputed, I know. A gentleman said he would cut the ropes. I think it is more likely to be useful now to the public now than it ever has been.

2616. *Chairman.*] Do you think it ought to be retained in its present state, or that an improvement should be made in it: what is your view?—I should like to see it kept as what it has always been, an open space. It would be very detrimental to me if anything was done in regard to Woodcote Green, because my houses face Mr. Northey's, with the Green between them.

Mr. James Levick, called in; and Examined.

Mr. *J. Levick.*

2617. *Chairman.*] Do you reside at Epsom?—Yes.

2618. I understand that you reside adjacent to this common?—Yes.

2619. How near are you to it?—My own land joins it.

2620. Do you coincide with the evidence which has been given by the last witness, Mr. Jacqet?—Quite so. I may state that I have lived there for 16 years, and I have always enjoyed most excellent health, as well as the whole of my family; and in the opinion of the parties whom I know in the neighbourhood, Epsom is one of the healthiest places in the kingdom, which we attribute to the large open spaces that are around it.

2621. Have you felt any inconvenience from the state in which this common is through its being wet?—In the winter time it is unquestionably

tionably wet; but I was on the Board of Health at the time the local Act was first introduced, and there was an attempt made to drain the common, in order to supply the town with water, but there was not sufficient water to fill a well, and we were obliged to abandon it. As to the wet state of the common, all I know is that we constantly walk over it. I was over it yesterday afternoon, and I saw numbers of people walking; and as to pic-nics, there is one there to-day.

2622. Then is the common frequented by a great number of persons?—In the week-days it certainly is not frequented, but on the Saturday and Sunday afternoons (and as I live close, I have an opportunity of judging.) I have seen every year a larger number of people come down and take their Saturday afternoon's and Sunday afternoon's walk.

2623. Where do you suppose they come from?—I know that several parties come down by the early Sunday trains from London, and I know also that they go down by the mid-day trains on Saturday.

2624. When they get on the common, how do they amuse themselves?—By walking about and lying down among the furze, eating sandwiches, and so on; that is on the upper part of the common, or what may be called the far west side, the other part being more dug up, in large holes, for the gravel and mould, which has been very improperly allowed to be sold off the common.

2625. In addition to those persons who come from London, do the inhabitants of Epsom, to your knowledge, use the common?—Very much and very frequently. Of course, I am speaking of the summer time.

2626. When the weather admits of it?—Yes.

2627. Mr. *Doulton.*] I think you said you resided close to the common?—Yes.

2628. And you were not aware, until this morning, when you heard it in evidence, that medical men think Epsom unhealthy on account of this common?—I was not; and I should doubt very much whether any medical man would have the face to come here and say that Epsom was an unhealthy place.

2629. You never heard of fevers being prevalent there, in consequence of this open space?—No; I believe the majority of the fevers have been in the lower part of the town.

Mr. *J. Levick.*

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2630. How far is that from this common?—The upper part of the town adjoins the common, but the lower part is half a mile or three quarters of a mile from it.

2631. I think I understood you to say that it was in a bad condition in the winter; that it required draining?—It requires draining.

2632. Have you, or have the inhabitants, ever made any application to the lord of the manor?—No, I do not think they have.

2633. You have not made any application for drainage works to be carried out?—No; the common is in a bad state in consequence of the large quantities of pits that have been dug, either with the consent of the lord of the manor or by the commoners themselves.

2634. No means have been taken by the lord of the manor to fill up those pits afterwards?—No.

2635. Is it under the regulation of any common-keeper?—Not to my knowledge. As to the feeling of the inhabitants, I am perfectly certain that the majority of the inhabitants would be found to be against the inclosure.

2636. No opinion has been expressed by them, they have not been asked?—They have never had an opportunity.

2637. *Chairman.*] Have the inhabitants ever met together in any numbers on the subject?—Not in any body; three or four parties have met together, but we have never had any public meeting.

2638. When were you first aware that this application was being made for the inclosure of the common?—We heard it from common report.

2639. How long ago?—Several months ago.

2640. And no steps have been taken to prevent it?—No public steps.

2641. Have you anything more to add to your evidence?—No.

Robert Brooks, Esq., a Member of the House; Examined.

2642. *Chairman.*] You are Member for Weymouth?—Yes.

2643. And you live in the immediate vicinity of Epsom Downs, and also Epsom Common?—Yes.

2644. Your property is between the two?—It adjoins both.

2645. Have you a lodge which communicates with each of them?—Yes.

2646. And does your park occupy the space between the two?—Yes, it is about 350 acres.

2647. Your house is situated about the centre?—No, about 100 yards from the common.

2648. And a further distance from the race-course?—Yes, it is about a mile from the race-course.

2649. Now supposing this common were inclosed, would it be any inconvenience to you?—I do not know whether it would be much inconvenience to me; I have certain rights on this common, and I apprehend that the Commissioners would most likely allot to me, land in the immediate vicinity of my own.

R. Brooks, Esq., M.P.

2650. Then it would be rather an advantage to you in that way?—It would be a pecuniary advantage to me, not otherwise.

2651. Do you object to the common being closed?—I decidedly object to it.

2652. Will you be kind enough to state your reasons for that objection?—This common is a wide open space of something like 450 acres; it stands high, and is a very healthy spot. The inhabitants of Epsom, amounting to about 4,500, I presume, have enjoyed it; I go over it twice every day, and very rarely do so without seeing people wandering about on this common; and now since the railway has been established, which brings it within a short space of time of London, people frequently come down to Epsom, and wander about this space on holidays and various occasions.

2653. Have you reason to believe that when it

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it is better known to the public in London, it will be more frequented than it is at the present time?—I am quite certain of it.

2654. Has the number of persons who frequent the common been increased?—I think considerably; I have known the common for the last nine years, and the frequenters have been considerably increased in that period.

2655. The property you have there, used to belong to Baron de Tessier?—Yes.

2656. Mr. *Lyall.*] With regard to the Volunteers, they exercise, I suppose, on the downs?—They generally go to the downs. I should tell you that the downs is an equally healthy place with the common; but there is this consideration, it is a mile further and you go over a limestone road, and you are half smothered with dust before you get to the top, and you have the same when you go back again, after enjoying the breeze; consequently if the common is inclosed, that is all that remains for the people in the neighbourhood to walk upon except the lanes and roads.

2657. Mr. *Kinnaird.*] You say the population is about 4,500?—Yes.

2658. I suppose that with improved railway communication the building will increase very rapidly?—Yes; it is going on now.

2659. Are the buildings approaching the common at all?—I should say the nearest portion of them is about a quarter of a mile off.

2660. It is very valuable for a place of recreation?—Yes; there is always a beautiful breeze blowing over there, and I do not think a more healthy place can be.

2661. You have heard, I suppose, of the plans that have been mooted for building suburban villages?—Yes.

2662. Of course that will increase the place very rapidly?—Yes.

2663. And it may be necessary to have a village green for that?—Yes.

2664. Mr. *Doulton.*] Do the Commissioners propose to allot you any of this land?—The Commissioners will not do that, of course, until the Bill is passed.

2665. That is contemplated, of course?—Yes, they contemplate that.

2666. You spoke of your rights; what do those rights consist of?—My rights are rights of common, to turn out sheep at the rate of two sheep each per acre for my own holdings.

2667. Have you exercised those rights?—I have exercised those rights.

2668. And do you continue to exercise them now?—Yes.

2669. Did you assent or dissent to this?—I dissented.

2670. Do you think there would be any difficulty in getting a sufficient sum from the inhabitants of that district to pay for the drainage of the common?—Well, I do not know; there would be a large amount required to drain that common; I apprehend that it would amount to between 4*l.* and 5*l.* per acre.

2671. Do you think there would be any difficulty in raising that sum?—Well, I think there would.

2672. Do you propose that the common should be left in its present deplorable state?—Certainly it is in a deplorable state, because the lord of the manor has dug clay and various things, and has left holes something like six to eight feet deep in various places, more like wells.

2673. You spoke of it as being high ground?—Yes.

2674. Then I cannot conceive that it would cost so much to drain it as that?—Well, some parts of it are table land; there is a very good fall westward.

2675. We have had evidence this morning that the common is not used; you do not indorse that evidence?—No, I do not, and I pass over it two or three times every day of my life.

2676. And you see persons there?—Yes.

2677. Do you walk across or ride?—I do both.

2678. Are there any recognised footpaths?—No, I think not, because the people go in every possible way.

2679. Have you seen people picnicing there?—Well, I believe the picnic parties do not come my side of the common on account of these holes having been dug for gravel; I believe there has been picnicing on the other side.

2680. The lord of the manor takes no means of preserving it or filling up holes?—Not the slightest.

2681. Were your rights considered by Mr. Wetherell the Commissioner?—They were stated in the court roll.

2682. What rights were those?—The rights were to run two sheep per acre for each of my holdings with the rest of the copyholders and freeholders.

2683. Were those rights defined before Mr. Wetherell; did you appear before him?—No; but it was stated at the same period.

2684. Mr. *Kinnaird.*] Then you are entitled to a great number of sheep—almost a flock?—Yes.

2685. Mr. *Lyall.*] Have you the same right upon the downs as on the common?—No, I have special rights upon the downs.

2686. By special arrangement?—Yes; my right on the downs is to have 400 sheep.

2687. That is by special arrangement?—Yes, going many years back.

2688. Mr. *J. Tollemache.*] It has been represented to us that this common is in a very wet and boggy state?—Some portion of it is.

2689. Therefore it requires draining?—Yes, some portion of it.

2690. At whose expense is it to be drained; I suppose you are of opinion that it ought not to be left in its present swampy state?—It is very desirable that some portion should be drained.

2691. How is that to be done?—That is a question for the lord of the manor, but as far as I am concerned I should be very glad to contribute anything that is fair and reasonable.

2692. If this common is of such very great value as you believe it to be to Epsom, are you of opinion that the inhabitants would submit to a local rate for the purpose of improving the common?—I should not object to it at all.

2693. But you have a very valuable property there. You can turn out several hundred sheep, therefore it would be to your interest that this common should be drained; but we have heard that it would be of great importance also to the people living in the neighbourhood; I suppose you have been in frequent communication with them?—No, I am not in frequent communication with them.

2694. Have

2694. Have you ever heard them express any opinion as to whether this common should be inclosed or not?—I come very little in contact with the people of Epsom, but I can tell you this, that it is the general opinion that the matter has been got up practically as a lawyers' job, not by the inhabitants of Epsom, and they have been canvassed for that purpose.

2695. Are you of opinion that the people of Epsom are opposed to the inclosure?—I think all the respectable part of the community are.

2696. Have they expressed that opinion?—Yes, the respectable part of the community have done so.

2697. Have any of them expressed a readiness to improve the condition of this common, which you represent as being in such a bad state?—I have not heard it discussed.

2698. Mr. *Kinnaird.*] Have you attended any meetings that have been held?—Yes.

2699. Did you gather at that meeting, from the gentlemen who met you there, that they were perfectly ready to enter into any arrangement for the purpose of paying a fair proportion with yourself?—There is no such arrangement.

2700. Did you gather from their feeling that they would be as ready as you are?—I believe they would.

2701. Mr. *J. Tollemache.*] I suppose it was known that there was to be an application to Parliament for the inclosure of this common?—Yes.

2702. There must have been notice given of the intention to apply to Parliament to inclose the common?—I am not aware of that; I never got any notice.

2703. Was it not known that there was to be an application to Parliament?—It must have been known.

2704. Were any steps taken to oppose the Bill?—No; no steps were taken. There was a meeting for the further promotion, and they got the assent of the majority.

2705. Was there a meeting held at Epsom?—Yes.

2706. Respecting the application which was to be made to Parliament?—Yes.

2707. What occurred at that meeting; were any resolutions passed expressing a determination to oppose the Bill?—There was no determination to oppose the Bill; it was a general meeting of the ratepayers.

2708. Did they express any intention at that meeting to oppose the Bill?—No, they did not.

2709. Mr. *Hanbury.*] It was only a meeting of those who had rights of common; there was no general meeting, as I understand, called at Epsom?—It was called to meet the Assistant Commissioners, to ascertain whether there was to be an inclosure of this common or not.

2710. *Chairman.*] Then notices were given, I presume?—I never saw a notice.

2711. Were you summoned?—No.

2712. And you are a commoner?—Yes.

2713. And you received no notice?—No.

2714. Mr. *Doulton.*] Notice is usually given by fixing it on the church doors, or by advertisement?—Yes.

2715. *Chairman.*] Did you see an advertisement?—No, I did not.

2716. Or a notice on the church doors?—No, I did not.

2717. Mr. *Kinnaird.*] Then, if you had happened to be abroad or absent for some months, you would have had no notice, and the whole thing might have been done without your consent being asked or taken?—Yes.

2718. Do you think that is sufficient security for your right of feeding 400 sheep, if it may be taken away without your having any notice?—I do not think it is.

2719. And do you feel that it is an injustice to have property of yours taken in that kind of way without proper notice being given?—I do consider so.

2720. I suppose many others besides yourself feel that injustice very strongly?—I cannot tell what may be the opinion of others.

2721. You only speak for yourself?—Just so.

2722. I suppose the real reason why nobody would enter into it, was the immense expense of an opposition; the question was, who was to pay the expenses, was it not?—Yes.

2723. And do you suppose that the only reason that deterred people from doing it was, that they were afraid of entering into that expense?—Well, I cannot say; perhaps it was because what is everybody's business is nobody's business, therefore it gets neglected.

2724. *Chairman.*] But there would be no expense with regard to persons coming before Mr. Wetherell, if they knew it?—No.

2725. Mr. Wetherell had to decide whether there was a sufficient number of consenting parties?—Yes.

2726. If there had not been a sufficient number his hands would have been tied, and he could not have gone on?—No.

2727. But there was a sufficient number?—Yes.

2728. Then he went on to perform his duty as Assistant Commissioner, on going on with the inclosure of this common?—Yes.

2729. Did you appear at any of these meetings before Mr. Wetherell?—I was present at one meeting.

2730. Then did you state what your rights were, or did he know that?—I collected what my rights were from Mr. Mason.

2731. Mr. Mason made a statement of what your rights were?—Yes; and I stated at that meeting that I had used them; but it was not of the slightest consequence whether I had used them or not, as a non-user does not lose his rights by not using them.

2732. You considered that you had the rights, and whether you used them or not, was immaterial?—Yes.

2733. But a number of people were excluded because they had not used their rights, and were not allowed to assent or dissent?—I do not know that.

2734. That was Mr. Mason's evidence?—Yes, I heard that.

2735. In point of fact there were only 30 who were allowed to express an opinion on the subject at all; all those who were said not to have used their rights were excluded from having any voice whatever as to the inclosure or non-inclosure?—Yes.

2736. You were known, and you had a voice in it?—Yes.

2737. And you appear among the dissentients?—Just so.

Mr. Henry Mason, Esq., called in; and further Examined.

H. Mason, Esq.

3 May 1865.

2738. *Chairman.*] I understand that you wish to give some explanation?—It is simply this:—I understand Mr. Brooks to claim, in addition to his ordinary rights of common, a special right of sheep walk for 200 or 300 sheep. I merely wanted to say that that right has been claimed for a long time past, but it is not admitted by the lord. I wish also to prevent a misconception with respect to the sum of money received by Mr. Briscoe for the downs. I have already stated, but perhaps I did not make myself understood, that Mr. Briscoe hands over to the Jockey Club three-fourths of what he receives, less a deduction for outgoings.

2739. Mr. *Doulton.*] Three-fourths of the whole of the proceeds?—Not of his rental, but three-fourths of what he receives from the down she hands over to the club for the purposes of the races.

2740. Mr. *Kinnaird.*] What amount does he receive for the races?—£. 650 a year.

2741. What becomes of the remaining fourth?—Mr. Briscoe receives it, and applies it as he pleases.

I have mentioned to the lord the questions Numbers 2487–88, submitted to me by the Committee, and he requests me to say that he has no wish or intention that Epsom Downs shall be inclosed; but desires that they shall remain open, as they have been and now are, all his rights and interests being duly preserved.

Mr. James Levick, called in; and further Examined.

Mr. *J. Levick.*

2742. *Chairman.*] Do you wish to add some explanation?—I wish to say that upon the question of pecuniary interest I am in the same position as Mr. Brooks. My interest would be in favour of the inclosure, as I should probably have an allotment of 16 or 20 acres.

2743. You consider that in opposing the inclosure you go against your own pecuniary interest?—I think that the general interest is more to be considered than the pecuniary interest of the individual.

2744. Mr. *Kinnaird.*] For the general good you are willing to waive your private benefit?—Quite so.

2745. Mr. *Doulton.*] Do you not think that the inhabitants of the district would be willing to raise a sufficient sum for improving the common by drainage?—I should be happy to contribute.

2746. We have been informed that Clapham Common and other commons are kept in order by contributions on the part of those who live in the neighbourhood. Do you think that the same course might be pursued in reference to Epsom Common?—The difficulty is, that the whole of the inhabitants have not common rights.

2747. Do you think the common of sufficient importance to the town proper to induce the inhabitants to pay for the drainage?—That I can hardly give an opinion upon. This question of the drainage was only brought forward to-day.

2748. I understand you to say that the common is in a very bad state?—I do not say that it is, except in a few low places; it is in a bad state because the lord of the manor allows the soil to be taken away, and does not protect the interest of the copyholders as we think he ought to do.

2749. Do you expect him to improve the common when he gets nothing out of it?—He must get something out of it, or at all events the lessees make a great deal of money out of it. It is well known that the lessee of the downs makes as many thousands as the lord of the manor makes hundreds.

2750. *Chairman.*] Do you not think that the downs should be under another management, so as to prevent these people taking all the money?—We should be glad to see them under another management.

2751. Do these people perform any duty for the money they receive?—The only duty they perform is, to put the money into their own pockets, and to put chains all over the place, so that you dare not ride over the downs at night.

2752. Mr. *Tollemache.*] I suppose you will admit that some part of the common requires draining?—Yes.

2753. It appears that the lord of the manor does not get more than 60*l.* a year for these 400 acres?—But other parties get a large sum of money out of it.

2754. You complain of his not performing what you conceive to be his duty, of keeping the common in order?—I say he ought not to allow the holes to be made.

2755. You say that he ought to keep the common in a better state?—It would be in a better state if he would discontinue the sale of the gravel. He has no right to allow people to make holes upon so much a load.

2756. Have you disputed his right?—I have not disputed it.

2757. Has any other person disputed it?—I do not know.

2758. Mr. *Doulton.*] You do not say that the lord of the manor has no legal right to dig the gravel?—It has never been tried that I know of; it is not gravel but soil that is sold.

2759. But the lord of the manor has a right to do that?—We understand not.

2760. Mr. *Kinnaird.*] You have certain rights of turbary, have you not?—We have the right to feed, but no right to the turf; we pay for the turf.

2761. Whom do you pay?—The agent of the lord of the manor.

2762. What you complain of, as I understand, is, his taking the soil away, which of course diminishes the amount of feed for the sheep you have a right to keep there?—Yes.

2763. And if he takes any of the soil, he may take it all, and so may destroy the pasture you have?—Yes.

2764. That is your ground of complaint?—Yes.

2765. That if he digs for the soil he digs for that which enriches the grass that would feed your sheep?—Yes; if the holes were not left the common would not be in such a state as it is.

2766. *Chairman.*] I suppose that persons having rights of common have not insisted upon them?—It is so difficult to define the rights.

2767. If there is not enough for all the commoners' rights, they can proceed against the lord for overcharging the common?—As Mr. Brooks says, what is everybody's business is nobody's business.

2768. They never have insisted upon their rights?—Not in that way, to my knowledge.

Jovis, 4° die Maii, 1865.

REFORM CLUB PALL MALL

MEMBERS PRESENT:

Mr. Cowper.
Mr. Doulton.
Mr. Hanbury.
Mr. Kinnaird.
Mr. Locke.
Mr. Shaw Lefevre.
Sir John Shelley.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. J. Tollemache.
Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

HARRY BURRARD FARNALL, Esq., called in; and Examined.

H. B. Farnall, Esq.
4 May 1865.

2769. *Chairman.*] You hold an office in the Poor Law Board?—I do.

2770. What office do you hold?—I am Metropolitan Poor Law Inspector.

2771. How long have you held that office?—I have been Inspector of Poor Laws for the last 16 years.

2772. Where do you reside?—At the Manor House, Lee, Kent.

2773. Have you given your consideration to this question?—I have been so long in the neighbourhood that there is scarcely a question that you can ask me relative to the enjoyment of that common by the public that I am not prepared to answer.

2774. Mr. *Doulton.*] Who is the Lord of the Manor of Blackheath?—I believe there are several persons who claim the right; I am not able to answer that question with accuracy.

2775. The Crown, I believe, holds a considerable portion?—Yes.

2776. And also Lord Dartmouth?—Yes. The Crown, I believe, is now exercising the right of digging and carrying off gravel, and thereby making holes and pits, which is very injurious to the common generally.

2777. Are there any copyholders and commoners on Blackheath?—That is a question I have not gone into.

2778. Do you know whether the inhabitants exercise any right of digging over the common?—I do not know.

2779. How long have you been resident there?—About nine years.

2780. Has it very much deteriorated within the last few years?—The digging on the Heath has deteriorated it very much indeed.

2781. Under whose control is that?—The Crown.

2782. Entirely?—That is my belief.

2783. Do you know whether the Lord of the Manor has not the right, and does not exercise the right of digging?—I do not.

2784. Is there any control exercised over the public in the enjoyment of that Heath?—There is no legal power; there is a voluntary association with voluntary subscriptions, which, to some extent, exercises a controlling power, but I believe there is no legal authority in any way whatever.

2785. Do the police exercise any authority?—Only on the roads.

2786. Not off the roads?—No.

2787. Are there any regular common-keepers?—No, excepting those appointed from time to time by this voluntary association.

2788. Have there been many encroachments on the Heath for the purpose of building, within the last few years?—Not that I am aware of; there has been a church built there in the last few years.

2789. On the Heath?—On a portion of the common ground; that I believe to be part of the Heath.

2790. I think you command a battalion of Volunteers?—Yes, I am the second Lieutenant Colonel.

2791. Do they use the Heath for practising?—Yes.

2792. Is there any other open space within a moderate distance of Blackheath?—None at all.

2793. What is the acreage of Blackheath?—About 132 acres.

2794. You do not know what portion is under the Crown?—I do not.

2795. Mr. *Shaw Lefevre.*] Who did you say was Lord of the Manor?—I am not aware.

2796. Mr. *Doulton.*] If a public body takes that Heath for the purpose of preserving it for the use of the public, considerable expense would be incurred; do you consider that the inhabitants of Blackheath think it of so much importance, that they would contribute towards its preservation?—I am quite satisfied of it, not only as regards Blackheath, but there are five or six parishes, portions of which abut on the Heath, and my impression is, that all the residents on the land within a mile and a half, or two miles of Blackheath, would very cheerfully accept a compulsory tax to the amount of a penny in the pound a year, which would more than do it all.

2797. Clapham Common, I believe, is under the control of a committee who contribute to its preservation; is there such a committee in existence at Blackheath?—There is an association got together on the voluntary principle; residents are asked to subscribe, and they do subscribe or not, as they like. I should wish it to be understood, that the whole of the land that abuts on Blackheath, in the parishes of Lee, Lewisham, Blackheath, and Charlton, is now being very rapidly built over with residences of a first class description; therefore there is a population of a large

H. B. Farnall, Esq.
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and wealthy character in that neighbourhood, and I am quite satisfied, if the Heath was properly taken care of, they would be not only able, but perfectly willing to contribute to a compulsory rate to keep it up.

2798. Are there any other nuisances besides those you have spoken of as existing, namely, digging gravel and sand?—On holidays there are crowds of all sorts of persons coming from a distance; gipsies set up their trades there, and games are carried on; donkey racing, breaking in horses, and all sorts of things of that kind.

2799. There is no control over that?—No. We have a large bench of magistrates there; I am a magistrate myself, but we have no authority.

2800. Mr. *J. Tollemache.*] Has Blackheath been used at all for pasturage?—Not, I think, by those who have a right to it; you see donkeys turned out there at night, but there is no pasturage fit for cows or horses.

2801. At all events, those who may be supposed to have common rights there do not exercise those rights?—I do not think they do.

2802. Mr. *Hanbury.*] Have any inclosures taken place in the neighbourhood of Blackheath?—No; I have resided there for nine years, and the only inclosure I have seen is for a new church.

2803. Mr. *Shaw Lefevre.*] Do you know who takes the income from that church?—I should presume the minister of the Church.

2804. Mr. *Peacocke.*] You stated, I think, the Crown has been digging on Blackheath?—Yes, a great deal. I rather think that since this Committee has been sitting there has been more of it, in consequence, I suppose, of the fear that it might be stopped.

2805. Do you know under what right or claim the Crown do that?—No, I do not.

2806. Because they do not claim manorial rights there, I understand?—I am not aware.

2807. Mr. *Shaw Lefevre.*] Is the manor a copyhold manor?—I am not aware.

2808. Are there any portions of the common which might be sold, in order to raise money?—No, my impression is that it would be a great detriment to the whole neighbourhood if any portion of it was sold; when we have such a large and wealthy population who would be willing to subscribe towards keeping the common, such a process as selling would be unnecessary.

2809. I mean any small portions?—No, it would spoil the picturesqueness of it; you might now have an arboretum, cricket grounds, quoit grounds, flower gardens, and so on, with room for all.

2810. It adjoins Greenwich Park?—Yes, the walls of Greenwich Park separate it from the Heath.

2811. Is there any wish on the part of the public to have it inclosed as a park?—My impression is that they would prefer it left open, but not that it should be left open so as to allow anybody to create nuisances there.

2812. You think it should be open, subject to police regulations?—Subject to regulations.

2813. Then you object to its being surrounded by a fence?—I do not know but that the public would approve of posts and rails, to prevent donkeys and ponies racing there.

2814. *Chairman.*] That is the great question that has been raised?—Yes.

2815. The donkey-drivers claim to have the privilege of racing there?—I do not know; but I, as a magistrate, feel that I have no authority to check them.

2816. Mr. *Shaw Lefevre.*] Is the common much used by people at a distance?—On all holidays, on Sunday evenings, and Saturday evenings, there are large congregations of people who come from distances, and what the neighbourhood think is that they should still have the privilege of that open space, but it should be an open space preserved in such a manner as to prevent nuisances.

2817. Is it as much used, or more used by the public than Greenwich Park?—I should say it is more used.

2818. From the fact of its being an open space?—Yes, and from the fact of the donkey racing, and the sticks that they put up, and games of Aunt Sally, and that kind of amusement.

2819. Since you have known the common there have been no material encroachments?—None.

2820. Mr. *Cowper.*] Do you consider, in order to make Blackheath more available for the use and enjoyment of the public, that it should be levelled?—No, I do not.

2821. The main purpose that I understand you have in view is to prevent the digging of the gravel pits?—That is one purpose; I would prevent more gravel pits being made, and fill up some of those which are now made. The principal ones are so large and extensive that they would make very beautiful gardens as they now stand, without depriving the public of the other portions of the Heath as cricket grounds and so on. I think also that the donkey racing, the breaking in horses, the throwing at cocoa-nuts, and that sort of thing should be stopped.

2822. Do you consider it would be necessary to plant or to make gardens on the Heath?—I do. There is a large resident population, the greater part of which consists of ladies and children, and it is of such a size and so placed that gardens might be made there, without in the slightest degree encroaching on the rights of the public.

2823. Then might you arrange that the donkey riders should have free access to one portion of the Heath, and that the other portion should be reserved for people on foot, who might be interfered with by the animals?—Quite so; but there are so many roads crossing and recrossing this Heath, and they are so ample in space that there would be plenty of room for that sort of exercise without encroaching on the Heath.

2824. Do you consider that much expenditure would be required in order to make the Heath such as you wish to see it?—To make it as I wish to see it, rather a heavy sum would be required; but my impression is, that the inhabitants generally, and I am sure I, for one, would be perfectly willing to have a tax of a compulsory character levied for the purpose of carrying out such improvements, and the keeping of the Heath up hereafter.

2825. Would any legal powers be required in order to give an express authority to prevent nuisances?—I think so.

2826. Mr. *Shaw Lefevre.*] Are there any other commons near there?—No.

2827. Is there not Plumstead Heath?—Yes; but that will better suit the inhabitants of Woolwich.

2828. Is that much used by the public?—It is used of course, but not nearly so much as Blackheath.

Mr. Charles Augustin Smith, called in; and Examined.

Mr. *A. C. Smith.* 4 May 1865.

2829. Mr. *Doulton.*] You are a solicitor?—Yes.

2830. What official position do you hold?—I am Clerk to the District Board of Works for Plumstead. I am also Honorary Secretary to the Blackheath Improvement Association, and also Deputy Steward of the Royal Manor of East Greenwich.

2831. That is part of Blackheath?—Yes.

2832. Who are the Lords of the Manor?—The Crown.

2833. Solely?—Not solely; Lord Dartmouth is Lord of the Manor of a part, which is in the parish of Lewisham.

2834. It is partly in Lord Dartmouth, and partly in the Crown?—Exactly.

2835. Is there any actual division made?—Only the parochial boundary.

2836. No fence?—None.

2837. You as an inhabitant of that district, are well acquainted with the Heath?—I am.

2838. Has it, during the last few years, deteriorated to any extent as regards its being a place of recreation for the public generally?—Very much. The gravel pit has been extended very much, and is breaking up the surface of the Heath; and nuisances of various kinds are on the increase, such as donkey driving, and so on.

2839. Has the Plumstead Board of Works made any representations to the Home Secretary with respect to the nuisances existing on that Heath?—Yes; a communication was made not many months ago.

2840. Have you the correspondence with you?—No, I have not; but I understood that the communication was submitted by the Home Secretary to the Metropolitan Board of Works, and since then the Plumstead Board of Works have appointed a committee on the subject, and the Greenwich Board of Works, who are also interested in the Heath, have done the same thing, and also the Lewisham Board of Works; those three Boards have combined together for the purpose of making representations, and taking steps, as far as they can, to improve the condition of the Heath.

2841. Can you give an estimate of the rateable value of the houses immediately abutting on the Heath?—I cannot give that.

2842. Is your opinion the same as that of the preceding witness, that the inhabitants would contribute towards the maintenance of that in perpetuity for the use of the public?—They would, to some extent, but I cannot say how much. I doubt whether they would contribute any large amount, and I think there would be a difficulty in drawing the line of liability, because the whole of the neighbourhood is interested in the preservation of the Heath, and not merely the inhabitants of the houses abutting on the Heath.

2843. May I ask you whether there are any outside portions of the Heath that could be appropriated for building purposes, without deteriorating from the character of the Heath as a place of public recreation?—My impression is that there are not; the Heath itself is not very extensive, and I believe every portion of it is required for the public. I am not prepared to say that there might not be some corners applicable to other purposes, but I think, generally speaking, every portion of the Heath is wanted for the public.

2844. Would it require a very considerable amount to be expended for drainage, and so on?—I think not; I think it drains itself sufficiently; being gravel, the water easily runs away.

2845. The chief evils, then, of which the inhabitants and the Board of Works complain are, as I understand, first, the indiscriminate gravel digging; and, secondly, the nuisance arising from donkey riding and amusements carried on on the Heath?—Quite so.

2846. There is no control exercised at all?—None.

2847. Is there any common keeper there at all to exercise any control?—A gentleman who represents Lord Dartmouth, and who is present, can speak as to the Lewisham portion.

2848. Who is that?—Mr. Parker.

2849. What position does he occupy?—He is solicitor to Lord Dartmouth.

2850. Mr. *Cowper.*] Would it be the desire of the persons with whom you are associated to prevent altogether the use of donkeys on the Heath?—No, I think not.

2851. It is rather to regulate and keep order in that respect?—Yes.

2852. Did I understand you to find any fault with the cutting up of Blackheath by digging, or in any other similar way?—I should mention that formerly there was a pit open on the Lewisham part, but in consequence of the representations made by the Board of Works, there was an arrangement come to with Lord Dartmouth that the digging should be discontinued, and the only digging that is carried on to my knowledge now, is upon the Crown lands.

2853. Is it your idea that Blackheath ought to be laid out with trees and ornamental walks?—Well, I unfortunately happen to differ from some other gentlemen upon that; my opinion is that the Heath should be preserved as much as possible in its natural state, and if any attempt were made to plant it, the trees would, I think, be trampled down and destroyed in a short time.

2854. Your object would be to keep order in the use of the place, and also to prevent injury to the surface of the Heath?—Yes.

2855. Your wishes do not go beyond that?—No.

2856. Mr. *J. Tollemache.*] Would there be any difficulty in enforcing a compulsory rate?—I think there would be a difficulty in defining the boundary.

2857. I suppose all the parishes are interested in it, are they not?—I think so.

2858. Then if it were rated according to the rateable value of the property in each parish, if a rate were made upon all the parishes in the district, there would be no difference in apportioning it?—If the rate were made on all the parishes in the district, there would be no difficulty; but I understood it was proposed to be confined to the houses abutting on the Heath.

2859. You consider all the parishes are interested in keeping Blackheath as an open space?—They are, but not all in the same degree.

2860. Surely if that be the case, there would be no opposition to a compulsory rate of a moderate amount?—That is a question I am not prepared to answer; our rates are very heavy,

Mr. *C. A. Smith.*

4 May 1865.

and any additional rate of course might be considered objectionable.

2861. Why are the rates so heavy at Blackheath?—There are the metropolitan rates, the district rates, the sewer rates, and various kinds of rates, which have all been increased of late years.

2862. I understand that the gravel digging has been given up altogether on Lord Dartmouth's portion of the common, owing to some arrangement being come to between him and the Board of Works?—It was discontinued by an arrangement with the district board.

2863. Did Lord Dartmouth receive anything for the gravel that was taken up and sold?—Not at all, because it was taken for the parish purposes.

2864. It was confined to parish purposes?—Yes.

2865. Is the gravel that is dug on the Crown portion also for parish purposes?—Partly, but it is also for purposes connected with the buildings in the neighbourhood.

2866. I suppose the Crown receives money for that right?—Yes; it is let, I believe, to a person for 70 *l.* a year.

2867. Mr. *Shaw Lefevre.*] What is the extent of the common belonging to Lord Dartmouth?—I cannot say exactly, but my impression is that the whole of Blackheath contains about 130 acres, and perhaps one-third of that may be said to be in the Greenwich manor, the remainder is Lord Dartmouth's property.

2868. Are there any copyholders or commoners?—My impression is that there are none; the manorial rights of the Crown have been so long in abeyance, that any copyhold tenures are at an end; the only persons who would be entitled to exercise rights on the common would be the freehold tenants of the Royal manor, and, with the exception of the corporation, that is the churchwardens of the parish and the overseers, who are supposed to have been entitled to some freehold right, I do not know of any people who, as freeholders could claim rights on the common; as to Lord Darthmouth's manor there are no copyholders.

2869. The association of which you are secretary have raised funds for the purpose of preserving this common?—Yes.

2870. Have they improved the common by planting, or anything of that sort?—Yes, occasionally; but the principal expense is having rails placed to protect the Heath from being encroached upon by carriages and horses, and also expenses in painting the rails, and so on.

2871. Is that the part of the common which belongs to the Crown?—No; the whole of Blackheath.

2872. Do any, and what, cattle feed on it?—Yes, donkeys, ponies, and occasionally a few sheep browse there; but the herbage is so short, and there is so little of it, that it is not enough for the purpose.

2873. Do you propose that any portion of the common should be sold for building purposes?—No.

2874. Mr. *Doulton.*] Is there any interference whatever with the public, on the part of the Crown, as to where the games are carried on, and the donkeys driven?—None, whatever.

2875. There is no control whatever?—None.

2876. The police confine their jurisdiction to the roads?—Quite so; the police endeavour to keep order as well as they can, but their powers are very limited.

2877. Mr. *Shaw Lefevre.*] Has the association had any correspondence with Lord Dartmouth as to the money they have laid out on the common?—No, there is no official correspondence with Lord Dartmouth; occasional representations have been made to his agent upon matters of detail, but there has been no official correspondence.

The Rev. WILLIAM ALDWIN SOAMES, called in; and Examined.

Rev. *W. A. Soames.*

2878. Mr. *Doulton.*] YOU are the Incumbent of Greenwich?—Yes.

2879. And have been for 24 years past?—Thirty years.

2880. Looking at the condition of Blackheath now and its condition many years back, is it much deteriorated?—Very much.

2881. To what do you chiefly attribute that?—To the much greater resort of the public to it.

2882. What are the great nuisances of which you complain?—The great nuisances are the donkeys and ponies that race over the Heath, the total absence of control, the very bad language used by the low class who congregate there in great numbers, and who very much annoy the inhabitants by their language and conduct; and also, by degrees, booths are being erected on the Heath; there is a photographic van there which sets us all at defiance; in fact, there seems to be no power of exercising any control over the persons who choose to do these things. What we are anxious for is some power to prevent the nuisances and keep order.

2883. Have the local authorities taken no action whatever?—The local authorities have been applied to, but they they say they have no power; the district Board has been applied to, and the police have been applied to, but they all say they have no power to regulate the Heath at all. If disorderly conduct arises, and anyone gives a person in charge, of course, the police then can act, and the magistrates can act; but the police refuse to take notice of anything except upon the roads; they are answerable for the roads, they say, and they can remove nuisances and prevent obstructions on them; but off the roads the police have no power, the magistrates have no power, and the district Board have no power. There appears to be a total want of any power to regulate the Heath; and what we are anxious for is some regulating power to keep order.

2884. Has that state of things kept the inhabitants from making much use of the Heath itself?—Yes; and very much deprived the residents of the enjoyment of the Heath.

2885. Do you know under whose authority the gravel is dug?—Yes; I happen to know that, because I was one of a deputation who went to the representative of the Crown, Mr. Gore, some time ago on this subject. The manor of Greenwich, outside the park, is in the management of the Woods and Forests, and the chief Commissioner, Mr. Gore, has the regulation of the Crown manor outside the park; the inside of the park is in the Board of Works. A deputation,

of

of which I was a member, waited upon Mr. Gore the year before last, April 1863, upon certain subjects, one of which was the removal of the huts and erections on the Heath; we asked the Commissioner if he would assist us in removing those huts; he doubted his own power to do so, but at the same time said he would give formal notice to those parties to remove; the notice was served, and the parties, for a short time, removed, but afterwards they came back again, and there they are now. With regard to the gravel, we called his attention to the state of the pit; there is a large pit which the Crown leases to a tenant for a profit, as I understand, at a rental of 70 *l.* a year, which is the only produce that the manor of Greenwich gives to the Crown; it is let to a man of the name of Harvey for 70 *l.* a year, for him to make what he can of it, and of course it is the interest of this lessee to sell all he can, which he does in all directions; the consequence is, that this pit is becoming a very serious and dangerous nuisance on the Heath, besides a space of about seven acres being at this time destroyed, for the use of the public. The Crown has full power over this pit, and it is only necessary for them to cease to let it at a profit, and to abstain from digging the gravel. The parish, I believe, still claim a right to dig for the parish roads.

2886. Do they dig it all from this one pit?—Yes.

2887. Do you mean to say that the Crown lets the entire right of digging gravel for 70 *l.* a year?—Yes, they let it to a tenant to dig what he can.

2888. To dig as much as he pleases?—Yes.

2889. And to sell it for what he pleases?—Yes, they let it, because at the time that this deputation waited upon Mr. Gore, it was said that they had it in their power to prevent the digging of the gravel by taking a lease of it themselves.

2890. What extent of the common is under the Crown?—About one-third.

2891. Do they derive any income from it excepting that?—No, nothing whatever.

2892. The whole manor that is under the Crown produces 70 *l.*?—Yes.

2893. Are they put to any expense?—No, not for the common.

2894. I think there are no common keepers?—None whatever.

2895. And they exercise no control?—No control whatever.

2896. Mr. *Tollemache.*] You say there is no common keeper at all now, to preserve order?—None at all.

2897. A common keeper could not be appointed without a certain expense being incurred?—There must be a certain expense.

2898. Do you think that the inhabitants of Blackheath and that neighbourhood would be willing to have a compulsory rate levied upon them for the preservation of the common?—It is impossible to say, but I think there is a very great desire to have some power to regulate the Heath. I cannot, of course, answer for anybody, but I think there would be no objection to a rate. I think though it would cost them a little more by way of rate, they would be glad to have some machinery for the preservation of order on the heath.

2899. Mr. *Peacocke.*] The Crown get about 70 *l.* a year for the right of digging over 40 acres?—Yes, I suppose about 40 acres may be the extent of the Crown manor on the Heath.

2900. Did you say that the inhabitants made an application to lease this right of the Crown?—No; the answer that was given from the Office of Woods was that if the inhabitants objected, they could do so.

2901. You say an answer was given; what was the question put?—The objection was to the Crown letting this right of digging gravel, which was so prejudicial to the neighbourhood, for such a paltry sum; and the answer to that was, that if the inhabitants of Blackheath, or the Blackheath Improvement Association, object to the digging of gravel, they have only to take a lease of this ground, and they can use their own option as to the digging or not.

2902. But the inhabitants did not think it worth their while to take a lease of it?—No, that was not pursued; it seemed hardly a fair proposal that they should, in order to prevent the Crown committing a nuisance give 70 *l.* a year; that was the view that was taken.

2903. Mr. *Kinnaird.*] Was that communication from the Commissioners made in writing?—I think it was, but I am not so sure about that.

2904. You have not a copy of it?—No; it was from the Office of the Woods and Forests.

2905. Do you know who the letter was signed by?—No, I cannot say.

2906. I suppose you naturally felt surprised that the Crown should make such a reply as that?—Quite so.

2907. Was that generally felt among the inhabitants?—It was never laid before the inhabitants; it was a reply to a communication on behalf of the Association; I am not sure whether the correspondence is in existence, but it was a correspondence on behalf of the Association.

2908. You felt naturally aggrieved that no redress was attempted to be given?—Quite so; we felt that it was a short-sighted policy on the part of the Government, or the person who represented the Crown at that time, that this gravel should be allowed to be dug for so small a consideration to the Crown, considering how the public rights were prejudiced.

2909. Have you any idea how long ago that was?—It was some years ago; I think it was when Sir Benjamin Hall was in office.

2910. Could you get a copy of that answer, and send it to the Chairman?—I should think I could, but the secretary of the Association would be more likely to have the documents.

2911. Since that it has gone on precisely the same?—Precisely the same.

2912. There has, I suppose, been a great deal more than the annual value of 70 *l.* dug?—I should imagine so.

2913. And you think that the interests of the Crown and the interests of the people have both been sacrificed?—I think so.

2914. Mr. *Shaw Lefevre.*] Have you formed an idea as to the expense of keeping the common in order?—No.

2915. The Association have spent about 40 *l.* a year?—Yes.

2916. Has that been sufficient, or not?—It is sufficient to do something, but very little; much more could be done if there were more funds.

2917. That money has been expended partly in posts and rails for a certain portion of the common, and partly in employing a man in clearing the ponds on the common of dead animals, and washing the walls, and clearing them of offensive writing?—Yes.

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2918. And partly in taking care of certain paths?—Yes; and as Chesterfield Walk.

2919. Do you think that has not been sufficiently done?—It has not been sufficiently done; but the principal point is that there is no power to enforce order.

2920. The posts and rails have been put up, not for the purposes of inclosure, but merely to keep certain portions of it from being made roads of?—Quite so.

2921. Where, I suppose, the traffic crosses the common?—Quite so.

Mr. THOMAS PARKER, called in; and Examined.

Mr. *P. Parker.*

2922. Mr. *Doulton.*] YOU are Steward of Lord Dartmouth?—I am.

2923. To what extent does his manor go?—It is co-extensive with the parish of Lewisham.

2924. What is understood by Blackheath?—I really do not know; but I should think that portion of Blackheath within the manor and parish of Lewisham comprises about 150 acres.

2925. I think there are no boundaries marking the two manors?—No, there are not.

2926. Has Lord Dartmouth discontinued gravel digging on his part of the Heath?—He has not had the power to dig for many years.

2927. Was not a power of digging gravel on the manor exercised?—There is no power of digging gravel in the manor of Lewisham except for the repair of the parish roads. I may mention, that there was an Act passed for inclosing the waste lands of Lewisham, and all the rights of the lord and commoners were extinguished, save and except as regards Blackheath, which was specially excepted.

2928. Are there any commoners or copyholders?—There are no copyholders.

2929. Are there any commoners?—There are commoners and freeholders of the manor who have a right of common; that is, on Blackheath.

2930. Do they exercise that right?—No; I think not.

2931. Not on any portion of the Heath?—No.

2932. Does Lord Dartmouth derive any revenue from the Heath in his character of Lord of the Manor?—Only in respect of grants of the waste of the manor that were made by the jury and homage.

2933. What does that produce?—I really cannot tell; the manor of Lewisham is held under a peculiar tenure. The Lord of the Manor is lord of the soil, but the herbage, so far as relates to Blackheath, is in the commoners and freeholders, and the jury and homage have power, with the consent of the Lord of the Manor, to make grants of the waste at Blackheath, subject to small rents that they may fix to be paid for the use of the poor of the parish, and not the lord.

2934. Have they exercised that right recently?—They have not done so for the last three or four years; there has been no grant within the last five years.

2935. Has any portion of the Heath been inclosed by Lord Dartmouth?—None, whatever.

2936. Has Lord St. Germans any portion of the Heath?—No, he has an estate there; but no portion of the Heath belongs to his Lordship.

2937. Has Lord Dartmouth had any correspondence with the Woods and Forests relative to the management of the Heath?—If he has I am not aware of it.

2938. Are you acquainted with the Heath?—Yes, I live there.

2939. Is it your opinion that powers are wanting to prevent existing nuisances?—Most certainly; the nuisance of the donkeys is so great that the night before last I counted 29 of them in front of my house.

2940. There is no power whatever exercised on the part of the local authorities, or the Crown to restrain that?—None. Application was made to Sir Richard Mayne about one of the nuisances that we complain of, viz., the mounted police or patrol exercising there, but they set us at defiance.

2941. Do you think Lord Dartmouth would be willing to sell his rights over the Heath for the purpose of its preservation for ever as an open space?—Well, I should not like to answer that question without consulting his Lordship.

2942. I think I understood you to say that he derives little or no benefit from it at present?—Yes.

2943. Mr. *J. Tollemache.*] Can he derive any revenue from it as it exists at present?—No, his Lordship cannot cut turf or dig gravel.

2944. Has he the power of selling it?—No, certainly not; he cannot sell it without the consent of the jury and homage on behalf of the commoners and freeholders.

2945. But I mean his rights as Lord of the Manor?—The manor is in settlement with the rest of his Lordship's estates.

2946. I ask, with regard to the question which was put, as to whether Lord Dartmouth would be willing to sell his rights?—I do not know what his Lordship's views may be upon that subject; but speaking on my own authority, I should say he would be very glad if something were done to rid himself of it, so to speak, on adequate compensation being made him.

2947. Mr. *Shaw Lefevre.*] Does he hold much property immediately adjoining?—A very large estate.

2948. Mr. *Peacocke.*] You have just stated that there is something peculiar in these common rights as maintained in this manor, and I understand that it is that the commoners have the right of herbage?—Yes.

2949. What was the other thing that you said they had a right to?—They have the power to make grants of a portion of the waste, reserving for those grants small rents to be paid for the use of the poor.

2950. When you say "they have the power," do you mean that the commoners have the right of doing that without the consent of the Lord of the Manor?—No; the jury and homage alone have not.

2951. The Lord of the Manor of course has himself, the right of herbage which the commoners also have?—Yes, as a freeholder.

2952. What are the common rights; is there a right of estover?—No.

2953. They do not cut furze?—No.

2954. Nor dig clay?—No.

2955. Sir *John Shelley.*] You say that the manorial rights are in settlement; are they mentioned in the settlement deed?—The manor is in settlement.

2956. Then are the common rights separated from the manor?—Of course the manor descends to the heir.

2957. Is it so stated there?—Yes, I believe it is.

2958. Mr. *Shaw Lefevre.*] Was the manor of Lewisham a copyhold manor originally?—I believe it was.

2959. Have all the copyholders been enfranchised?—No; the quit rents have been lost.

2960. You spoke of an Act of Parliament with reference to the waste?—Yes, the Lewisham Inclosure Act.

2961. Is it under this Act that you say the rights are extinguished?—All the rights are extinguished.

2962. What rights?—The rights of the lord in the wastes, and the rights of the commoners.

2963. Leaving only the freeholders' claims?—That is all.

2964. You say that the freeholders and commoners have the power of making grants of the estate for the purposes of the poor?—Yes.

2965. How do you ascertain that right?—It is by custom.

2966. Are you sure it is not one of the customs of the copyholders?—No, I do not think so; I find it in the jury books of the manor.

2967. Are there customs of that kind with reference to the copyholders?—It is not in any way a copyhold manor.

2968. When was the last grant made?—I do not know the date.

2969. Who do you call to make the homage?—Fifteen or more jurymen.

2970. Do you summon those you wish, or do you summon all the freeholders together?—Notice of a manor court is given on the church doors, and the jury are summoned by myself, as steward.

2971. From the freeholders who are present at the meeting, or any freeholders you choose to fix upon?—No; the jury is appointed every year.

2972. By yourself?—By myself in conjunction with the jury of the year preceding.

2973. Is that according to custom?—That is according to the custom of the manor.

2974. Mr. *Kinnaird.*] Does that still continue though the Inclosure Act is passed?—Yes.

2975. And that is for the purposes of the freeholders?—Yes, and for the appointment of constables and ale-tasters, pound-keepers, &c.

2976. Mr. *Shaw Lefevre.*] Do the rolls of the manor show no case of any inclosure for the benefit of the lord?—No; that was provided for by the Act of Parliament which I referred to.

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2977. Was it specially provided for?—It extinguished the lord's right over the other wastes of the manor.

2978. Did it say anything with reference to the particular common of Blackheath?—That (viz., Blackheath) was specially excepted under the Act, but only Blackheath; Sydenham Common and all the rest of the waste are in the parish of Lewisham, extending up nearly to the Crystal Palace.

2979. Is that an open space?—Now it is covered with houses.

2980. Mr. *Doulton.*] What is the difficulty about removing stalls and temporary erections on the Heath?—The difficulty is this; that the jury and homage gave directions for the removal of a hut on Blackheath, that was erected for the avowed purpose of selling sweetmeats and fruit, ginger-beer, &c., which was found to be a very great nuisance, and the jury and homage ordered that hut to be removed; notice was given by myself to the proprietor to remove it within a given time, and he set us at defiance; we went with the bailiff and constables of the manor and removed it, *vi et armis.* He brought an action against the bailiff, and it went down to the assizes at Maidstone, and it cost his lordship something like 150 *l.* to remove that man.

2981. Mr. *Kinnaird.*] But he was removed?—He was removed.

2982. Sir *John Shelley.*] Who paid the man; did he pay his own expenses?—Yes.

2983. Mr. *Kinnaird.*] Did it cost him as much, as far as you know?—I do not know what it cost him.

2984. Mr. *Shaw Lefevre.*] Have you kept up the practice of appointing the homage every year?—Yes.

2985. What was the extent of the land which was last granted by the homage?—A few yards.

2986. There have been no extensive grants?—Not for years.

2987. Looking at the extent of Lord Dartmouth's property in the neighbourhood, do you consider it a matter of importance to him that this open space should be preserved as an open space?—Well, I do not see any reason why it should not be preserved, if it were put under proper surveillance.

2988. Is it to his interest that it should be built upon?—No, there is no intention of its being built upon.

Mr. STEPHEN RIDDINGTON, called in; and Examined.

2989. Mr. *Doulton.*] I THINK you are a Member of the Local Board?—Yes, of the Plumstead and Lewisham Board; they are separate Boards; I am a member of both Boards.

2990. You have heard the evidence that has been given to day respecting Blackheath; have you any additional evidence which you desire to lay before the Committee?—There is the evidence as to their digging the gravel on the Heath, and they have also made several erections close to the Royal residence, such as piggeries and places for cows; they draw manure out there and place it in the pit close to the park wall. That was one matter that I brought before the Plumstead Board of Works, and it was referred to the Home Secretary; it was expected he would direct it to be stopped. I also measured, as far as I could, a piece of ground where they had been digging gravel, and I found it was 700 feet long and 70 broad; in fact, if it is not stopped immediately, they are now approaching a footpath which comes from May's Hill, and that footpath would be destroyed; but they have put a post, and likewise fenced in with wire edging.

Mr. *S. Riddington.*

2991. The only person who has a right to dig, or who exercises that right, is the lessee under the Crown?—Yes; Lewisham parish and Lee have also a right to dig, for the purposes of the parish, but they have seen the benefit that is de-

Mr. S. Riddington. 4 May 1865.

rived from keeping the Heath as an open space, and have not exercised their right.

2992. They have a right to dig gravel; they have a right, but they give up their right entirely, and they wish the Crown to give up their right in the same way. There is one little thing that I also might mention that I do not quite agree with one of the former witnesses, with respect to inclosing it as a garden. What I think the inhabitants generally wish is, that it should be kept under some management, with a fence round it, so as to prevent horses going over it; the Artillery, for instance, have gone across it, and cut up the ground very much with their horses.

2993. Sir *John Shelley.*] Did I understand you to say that at this moment the agents of the Crown are proceeding with the digging of the gravel, so as to come close to a public footpath?—Yes.

2994. Do you think it material that that should be looked into at once?—Yes, I do; I brought a notice of motion before the Plumstead Board on the subject, and it was carried the same night to the Home Secretary, asking him to do all in his power to stop the digging of the ground.

2995. Do you know whether any answer has been sent to that?—I am not aware.

2996. Is the Committee to understand that this work is actually proceeding at this moment?—Yes.

2997. And, therefore, a question of a day or two is of importance?—Decidedly it is.

Mr. Charles Augustin Smith, re-called; and Examined.

Mr. C. A. Smith.

2998. Mr. *Doulton.*] A LETTER signed by Mr. Burnett, who, I believe, is your clerk, and a copy of which you have here, was forwarded to Sir George Grey?—Yes.

2999. I understand Sir George Grey referred it to the Metropolitan Board of Works?—I believe so.

3000. And the Metropolitan Board of Works returned an answer to Sir George Grey?—Yes.

3001. Will you put that in evidence?—The letter written by my clerk to Sir George Grey is dated 3d March 1865; with respect to the other correspondence I have not seen it before, but I believe it is here.

3002. Mr. *Kinnaird.*] I believe Lord Dartmouth, as lord of the manor, has discontinued digging gravel?—The gravel digging on his manor has been discontinued.

3003. Mr. *Doulton.*] You have not received any reply from Sir George Grey?—No.

3004. If any reply had been sent by Sir George Grey to your Board you would have known it, I suppose?—Undoubtedly.

3005. Mr. *Kinnaird.*] Have you anything you wish to lay before the Committee in addition to your previous evidence?—No, I think not; I have explained, I think, that the Boards have appointed committees for the consideration of this subject.

3006. Sir *John Shelley.*] I just want, at once, and before you go, to have this quite clear. Do you represent that the letter addressed by you from the Board of Works of your district to the Home Secretary, in point of fact, received no answer whatever?—I am not aware of any.

3007. I understand that no answer direct from the Home Office was received by you?—I am not aware of any; I have not received any.

3008. In point of fact that letter has remained, as far as you are concerned, entirely unanswered, no notice whatever has been taken of it?—That is so.

Mr. John Douglas, called in; and Examined.

Mr. J. Douglas.

3009. Mr. *Doulton.*] YOU are the Surveyor of the Hampstead Board of Works?—I am.

3010. How long have you been so?—Nine years.

3011. You are well acquainted, I presume, with the present state of Hampstead Heath?—Yes.

3012. Looking at Hampstead Heath as a place of public enjoyment and recreation, in your opinion has it deteriorated materially during the last nine years?—I think it has, by digging sand and destroying the furze.

3013. Under whose authority has that been done?—I rather think one of the officers of the lord of the manor, living at Hampstead, has the authority of the lord of the manor, but I am not certain.

3014. Who is that?—Mr. Dunnett.

3015. Is he a common keeper?—I do not know what he calls himself; he lives at the estate office, and I believe has the control of the sand digging.

3016. Does he superintend the digging of the gravel?—I do not know.

3017. Under whose control is it; who points out the spots from which it is to be taken?—That I cannot say.

3018. Has the parish any right to dig gravel?—Yes.

3019. Do they exercise that right?—Very little.

3020. Have they exercised it during the last nine years?—Oh, yes; they exercise it more or less every year.

3021. Has the lord of the manor, or his agent interfered with that right?—No.

3022. Have you taken it from where you please?—Yes.

3023. From any part of the Heath?—Yes.

3024. Sir *John Shelley.*] You say that the Heath has deteriorated of late years, owing to the digging of gravel and the destruction of the furze; does that apply to the parts where your parish has been digging?—Yes.

3025. Then a part of this destruction is owing to the parish themselves?—A little of it, not a great deal.

3026. Then what is your office, what are your duties?—I am Surveyor to the Vestry.

3027. Of the roads?—Of the roads and sewers.

3028. You have nothing to do with the surface of the Heath at all, simply the roads?—That is all; I have very little to do with the Heath.

3029. Who

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3029. Who has the management and control over this digging of gravel for the roads?—I know no one, except Mr. Dunnett.

3030. I mean for the parish?—No one at all. If we want a load or two of sand we send a carter to take it away.

3031. Who sends the carter?—The foreman of the works.

3032. Under whose command is he?—Under mine.

3033. Then, in fact, all the destruction to which you allude is done by yourself, or under your orders?—To the extent to which sand is dug and used on the parish roads.

3034. Then what brings you here; do you come to tell us that you have been the means of destroying the surface of the Heath?—I do not know what brings me here; I was asked to come here.

3035. The result, then, of your evidence is that owing to the works that you have carried out, you have to a partial extent destroyed the surface of the Heath?—To a very small extent.

3036. Mr. *Doulton.*] Are there appointed places for digging gravel?—Not that I am aware of. There is only one portion of the Heath where we dig it.

3037. I thought I understood you to say that you took it from any part?—Any part where it is to be found.

3038. Without any control?—Without any control that I am aware of.

3039. No indication has ever been given to you as to where you are to take it from?—No.

3040. Mr. *Shaw Lefevre.*] Is gravel to be found all over the Heath?—There is very little gravel on the Heath at all; it is merely fine sand.

3041. Is that to be found all over the common?—No; only on the hill.

3042. Does any one else take it?—It is sold to builders in large quantities.

3043. Who sells it?—The lord of the manor, I believe.

3044. Mr. *Kinnaird.*] Have you any idea of what is the income derived from the sale of that?—No, I have not.

3045. Have you ever made an approximate guess?—No.

Mr. Frederick James Clark called in; and Examined.

Mr. F. J. Clark.

3046. Mr. *Doulton.*] Are you Steward of the Manor of Hampstead?—No, I am not; I am of the firm of Fairbrother, Clark & Co., the land agents; my brother is steward of the manor, but he has been only appointed 12 months, and for six months he has been on a bed of sickness; therefore, as I have had the management of Sir Thomas Wilson's estate for 25 years, I thought it was better that I should give the Committee the information they require.

3047. Up to the period you have named, then, I understand you were steward?—I have never been steward; I have been the land agent of Sir Thomas Wilson, managing his property at Hampstead generally; but my especial duty with reference to Hampstead during the last 25 years has been in settling the fines, enfranchisements, and questions of inclosure, and so on.

3048. Have you read the evidence which has already been given in relation to Hampstead?—I have; and I have made a great many comments upon it.

3049. Will you state to the Committee any observations that you have to make upon the evidence that has already been given in relation to this manor?—First, I should say, on the part of Sir Thomas Wilson, as there has been an impression abroad that attempts have been made by him from time to time to inclose the Heath, that no such attempt has ever been made by Sir Thomas Wilson; but, inasmuch as the words contained in the Bill of 1829 might lead to such a conclusion, I have Sir Thomas Wilson's authority for stating that by those words he did not intend to include more than certain small inclosures abutting on the Heath, which had been granted to various copyholders

3050. Is Sir Thomas Wilson here?—No.

3051. I understand that he was summoned?—Sir Thomas is engaged with the militia at Maidstone; his duties engage him for a month; and I therefore thought it better that I and my brother should attend before the Committee; but Sir Thomas Wilson was seen yesterday, and, in fact, many of the answers which I am about to give were obtained from Sir Thomas Wilson himself.

3052. Will you proceed, if you please?—I should observe, that as regards Sir Thomas Wilson's right to this manor, it is of very ancient date: the original grant giving him the right, being in the reign of Edgar; I believe that is with the Dean and Chapter: the next was by Ethelred, which is in the British Museum, and the one under which Sir Thomas holds is the 4th of Edward the 6th. There is this important difference between this and other manors, that Sir Thomas Wilson has all the rights of the Crown; he is entitled as heir to the estates of all persons who commit suicide in the manor, in fact, he is entitled to all the Crown rights, they being conceded under the grant from Edward. As regards commoners, there are none; that word has been made use of throughout this examination, sometimes applied in one sense, and sometimes in another; sometimes I find the word "copyholders" used, and sometimes "commoners;" but there are no commoners who have any rights on the manor; there are copyholders who have rights, but it is questionable whether they are not limited to some three or four; I fancy at this moment that there are only four, and those four copyholders who are entitled to the right of turning out and grazing, are those who are called heriotable copyholders, and they are entitled to so much turning out as they can fodder cattle during the winter months. I should tell you, that nearly the whole of the town of Hampstead was formerly part of the Heath, and has been granted from time to time by the predecessors of Sir Thomas Wilson, long before the manor came into his possession. Some was enfranchised by the lord in 1853, in accordance with the Copyhold Act. The right to the soil and all the minerals is solely confined to the lord, with the exception of a right which is claimed by the parish to dig gravel, and that is not claimed under any right which the parish possesses over the Heath, but only under the Highway Act, and they pay for all they dig. With reference to our own digging of the sand that has been carried on for many years, and of course as buildings have increased in the neigh-

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bourhood of Hampstead, so has arisen the demand for sand; at this moment, there is an offer for upwards of 4,000 yards for the purpose of making bricks for the buildings required by a railway which is coming close to the Heath. I see here an observation about a seat being removed; that seat was placed there by the parish, with consent, and the sand being there the seat was removed. With reference to any games being carried on, and the right of the public over the Heath, I may say that every one may be refused admission to the Heath except either on payment or by permission. With reference to Marylebone and other schools, a letter is written to the steward four or five days before the meeting is held on the Heath, and a charge is made of 2*s.* 6*d.* for every van containing children; for every cart, a charge of 6*d.*; for every booth, a charge of 2*s.* 6*d.*; and for cricketers, a charge of 10*s.* in the year for the club.

3053. Mr. *Kinnaird.*] Each cricketer?—No, for the club; for every horse, 1*s.*; for every cow, 1*s.*; for every donkey, 4*d.* a year; something for every tea-table; 1*d.* for every post; and so on. I could give more, but those are generally the heads of payment made to the manor. A shoot is conceded, for the purpose of the scrapings of the roads of the parish, and so on; that shoot is re-removed from time to time, and a printed notice is issued where the parish are to shoot for the following year. There is a bailiff or under steward; there is a common keeper, and also a sand man, to superintend the removal of the sand. The police never interfere with anything which occurs on the common, or take charge of any one unless he is given in charge by the bailiff. That has been tested in the case of the barrow men, who have been driven by the police off the public roads on to the Heath, and driven off the Heath again by the common keepers on to the road, and thence into the town, where they have been given over to the police; the police could not interfere on the Heath. Then the manor is managed by the steward, and at two periods of the year a court is summoned; in the summer time a Court Baron, a Court of Custom, and a Court Leet; that has taken place for the last 150 years (with two exceptions) on the Monday prior to Whit Monday, and those two exceptions were for the convenience of the steward. The deputy steward of Hampstead receives a warrant from the steward, and also some eight notices, which notices are placed on the church doors or chapel doors of the district, and then 12 good copyholders are summoned for the purpose of the homage. In the winter it is only a Court Baron and a customary court, when only four are summoned; the difference being this, that the Summer Court is a Court Baron, a Customary Court, and a Court Leet; the Court Leet has to take cognisance of all nuisances and interferences with the lord's interests in the manor; and the homage are addressed in this form: "Gentlemen of the homage, you are sworn to make true presentment of all such things as shall be given you in charge, as far as is within your knowledge. It is my duty as steward in this court to give you a charge in order to show you what things are here presentable.

"They are either between the lord and his customary tenants, or between tenant and tenant.

"First. If you or any or either of you know, or have heard of any customary tenant of this manor having died since the last court, or at any time before, and his or her death not yet presented, it is your duty now to present his or her name.

"If you know of any rents, customs, or services withheld from the lord of this manor, you ought to present what the same are, and by whom withheld.

If you know, or have heard of any that do conceal or occupy any of the lord's lands or tenements without his license, you ought to present what lands or tenements they are, and where situate.

"Also, if you know, or have heard of any tenants of the lord that are dead without heirs, you ought to present the same, for in such case the lord shall have the lands by escheat.

"Also, if any tenant seised in fee be attainted of felony by verdict or otherwise; for in such case the Queen shall have yearday and waste, and afterwards the lord shall have the lands by escheat.

"If you, or any or either of you know, or have heard of any trespass committed in the lord's demesnes, whether the same be land, meadow, pasture, or wood, you ought to present the same.

"If you know, or have heard that any person hath removed or taken away any meer stones, boundaries, or stakes, between this lordship and any other next adjacent, or between tenant or tenants, you ought to present the same.

"Also, if you know, or have heard that any tenant of this manor hath (without the license and consent of the lord), inclosed any lands, part of the waste of this manor, and keeps the same as severally which ought to be open, you ought to present the same, and the particulars thereof.

"If you know, or have heard that any copyholder hath at any time, contrary to the custom of the manor, demised or let by lease all or any of his or her messuages, cottages, lands, tenements or hereditaments which are customary and holden of this manor by copy of court roll, without license, it is a forfeiture of his or her estate, and you must present the same.

"If you know, or have heard that any copyholder or customary tenant of any messuages, cottages, lands or tenements holden of this manor by copy of court roll, hath at any time, contrary to the custom of the manor, alienated his or her said customary lands or tenements, or any part or parcel thereof unto any person or persons whomsoever, by deed of lease and release, bargain and sale enrolled, feoffment, with livery of seisin thereupon, or otherwise without surrender according to the custom of this manor; this is also a forfeiture of his or her copyhold estate, to the lord of this manor, and you ought to present it.

"If you, or any, or either of you know, or have heard that any copyholder hath lopped or topped any timber trees, or other trees belonging to the lord, without his consent, you ought to present the same.

"And if you know or have heard of anything else that concerns the lord's interest, or anything unjustly done between lord and tenant, or tenant and tenant, you have it in charge to present it."

That is the general charge that is given to the homage. Then, that is at the court held on the Monday before Whitsuntide, but at the court held the week before Christmas the Court Leet is not summoned, because then it is only a question of transfer of property; that is the difference between the two courts. I see some observations made in the

the evidence as to Sir Thomas Wilson's father's will preventing him building. I have a copy of the will here, and there really is no such restriction; there is not one word throughout the will restraining Sir Thomas Wilson from building; but there is this, that he is merely tenant of an entailed estate, and, consequently, could only grant leases for his life, or for 21 years; therefore, practically, there is no power to build. It is stated in this evidence that there is a restriction in the father's will against it; it is not so in terms, although in effect, of course, the result is so.

3054. Sir *John Shelley.*] Is that the will under which Sir Thomas Wilson holds Charlton?—Yes.

3055. That, I believe, is also a settled estate?—Yes.

3056. Has he power of granting building leases on the Charlton estate?—Yes, for 70 years.

3057. It is specially mentioned in the will?—In one of the codicils.

3058. There is no such codicil as regards Hampstead, I think?—There is no codocil as regards Hampstead Heath. We have a Bill now before the House of Lords, which has been read the first time, in which these wills and codicils are all set out, the object of this Bill being this: the whole of the estate on the Finchley-road is being completely monopolised by various metropolitan railways, and, therefore, the Bill is confined to the property which is interfered with by the railways. Then, Sir Thomas has planted, ornamentally, certain small pieces of the common; they amount to a very few acres, perhaps a couple of acres, in different parts of the common; but that does not apply only to Sir Thomas; from time to time applications have been made by the copyhold tenants of the manor for a grant of a portion of the waste: that has been conceded in fact to Lord Mansfield, to Mr. Hoare, and many others; those grants have been made, but when made they are generally coupled with the condition that no buildings shall be put upon the land. Amongst others to whom the concession was made was the late Mr. Commissioner Evans, and the object of granting him this portion of Hampstead Heath was for the purpose of growing fir trees to hide the linen posts. After the passing of the Copyhold Act of 1853, the lord received notice to enfranchise that property, and I inserted in the return to the Commissioners the plots on the Heath, subject to the conditions which were annexed, that no buildings should be put upon them; the Commissioners struck out those conditions, there being no power under the Copyhold Act to except anything but the minerals; the result is that part of the Heath was left in that way, and may be built upon directly. At this moment a question has arisen just the converse, because after that decision, I maintained that if the land were built upon immediately after its enfranchisement, the lord is entitled to an interest in it; I have claimed his interest in one acre, and it is objected to on the part of the tenant on the ground that there are conditions attached to it; it has gone before the Copyhold Commissioners, who have confirmed my opinion, whereupon under the Copyhold Act, they are called upon to state a special case for the consideration of the Court of Queen's Bench, and that very case will be argued to-morrow, I think, in the Court of Queen's Bench: it is just the converse of the other, and the effect of it is this, that supposing from time to time the whole of the Heath were granted to various copyholders, and we get notice under the Copyhold Act to enfranchise, the copyholders, having become freeholders, can build over the whole of the Heath without the consent of Parliament, or in spite of Sir Thomas Wilson and everybody else.

3059. Mr. *Shaw Lefevre.*] That is with the consent of the homage being obtained for the grant?—Yes, the consent of the homage being obtained from time to time for grants of portions of the Heath; I may say, with reference to these words which are constantly used in the evidence of commoners and copyholders, that we have searched the Rolls for 162 years, and the word "commoners" has never occurred.

3060. I suppose you would admit that there may be freeholders who have acquired rights on the common by prescription?—No, there are no freeholders who have any right on the common; in point of fact, no one has any right on the common without the leave and license of the lord. The public may, perhaps, have acquired a right of walking over the common, and so on.

3061. But take the case of freeholders who may have turned out cattle on the common for years past, they will have acquired rights?—They have no rights, because they are immediatly mulcted in payment; they have to pay, as I have said, 4*d.* for a donkey, 1*s.* for a cow, and so on. There are no rights of turning out, except on payment.

3062. Mr. Alderman *Rose.*] How is that collected?—By the deputy steward of the manor. One of the questions was, "Can the commoners cut furze there?" There is no right to cut furze except with the permission of the lord, for which, when we occasionally permit it, we receive 1*s.* per load. Question 2122 is, "You spoke just now of the custom of the manor of Hampstead, do you know if all the commoners attend the homage there?" The commoners do not, there being none, but the copyholders do, because it is an open court. Then, question 2124 is, "Do you know how copyhold rights are acquired there; for instance, do copyhold rights attach to a cottage or plot of land?" No simple copyholder has any rights whatever, excepting on his own copyhold, and there he has no right beyond his own life-interest; he could not dig his soil and sell it, it would be forfeiture; therefore there is no right beyond his simple copyhold right, whether it be a cottage, or whether it be land. Then the answer to question 2128 is, that "It attaches to freehold lands as well." There is no right in the copyholder, and the freehold being derived by enfranchisement from the lord, of course no right attaches to the freehold. With reference to the questions about the value of the lord's rights, the answers seem to have been given really without the parties knowing what his rights were, or the extent of income produced, and so on. Therefore, with reference to the purchase of the Heath, of course I disagree entirely with the answers which have been given; at the same time I think, as representing Sir Thomas Wilson, supposing it should be desired to take the Heath away, I perhaps ought to reserve myself from giving an opinion as to what the value of what I consider his interests may be. I could not find the papers this morning, but I recollect something of what occurred, that when Sir Benjamin Hall was Chairman of the Woods and Forests, the question of the purchase of Hampstead Heath then came up, and a figure

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then was suggested of something like 400,000 *l.*; and it was the enormous figure which at that time, I think, threw the whole matter over.

3063. Mr. *Shaw Lefevre.*] By whom was that suggested?—I think, by Sir Benjamin Hall; but I could not find any of the papers. I quite agree with some of these gentlemen who have been called, that it would be an advantage to keep the Heath open; it is probably one of the most popular places in the vicinity of London, and its popularity will be further increased by the railways. There is a Bill now before Parliament for a railway up into the town, and one or two will come close to it. I think, in the acquisition of the Heath, a great deal more land ought to be acquired for by forming a frontage to the common which would be always preserved by the Act of Parliament for the use of the public; I think the whole expense might be covered by the portions which might be sold off round the Heath. Question 2149 is as follows: "Has Lord Mansfield any property there?" and the answer is "Caen Wood." That is not in Hampstead at all; it is in Highgate. But Lord Mansfield is a copyholder of the manor for a portion of the Heath, which forms a kitchen garden on the right hand side of the road where that splendid holly hedge is. That was granted to Lord Erskine, and by him was sold to Lord Mansfield; and he has also two fields in Hampstead, so that he is owner of property in Hampstead, as well as a copyholder of the manor. Question 2168 is, "Is the Heath much intersected by footpaths?" And my answer is, that there are about two or three recognised footpaths. There are some beaten tracks, and some few years ago, there being great distress in Hampstead during the winter, Sir Thomas was asked to employ poor people to make tracks across; that was permitted; there are about three recognised footpaths over the whole Heath. The next question I have already answered: "Have the public been in the habit of playing games over all parts of the common?" The answer is, that when they do there is some small payment made. Then with reference to question 2185, Colonel Wood asked permission from Sir Thomas Wilson, and his answer was, "Go, and drill where you please;" and, in fact, Sir Thomas Wilson being fond of military life, would concede it to riflemen or to anyone else. The demand for the sand arose from the large amount of brickmaking, and also from the buildings which are going on in the neighbourhood. I think that generally answers the evidence that has been given by previous witnesses on the subject of Hampstead Heath. I should refer to question 2205, "What was the original extent of the Heath?" The original extent of the Heath was probably some 400 or 500 acres, because the whole town was originally part of the Heath, and all those fine houses which are upon the Heath were originally part of the Heath. The extent of the Heath now is probably 250 acres.

3064. I think you stated, Mr. Clark, that it is not the object of Sir Thomas Wilson, in the introduction of these various Bills to which allusion has been made, to build upon the Heath?—On the contrary; he has been especially chary of even grants to the copyholders, because he felt that they would enfranchise after the Act of 1853, and that turned out correct, because they gave us notice to enfranchise those very spots which were granted to protect the houses adjoining upon the Heath, and which were, from the increased value of property converted into building land.

3065. If those Acts had been obtained, or either of them, the effect would have been to give Sir Thomas Wilson power to build over the Heath?—Subject to such rights as others may have in it, the Act of 1829 would probably have done that, but no subsequent Act.

3066. But the Bills that have been introduced during the last 10 years would have given Sir Thomas Wilson power to build over the Heath?—No; the last Act contained a clause expressly excluding the Heath. I do not know what the effect of the application to Parliament to alter the Leases and Settled Estates Act might have been.

3067. The opinion entertained, I believe, by the Judges to whom this question was more than once referred, was that that would be the effect?—That it might have been the effect; but on this occasion of course it is a different matter. We apply in terms for power to build upon particular fields.

3068. The object of Sir Thomas Wilson was, in those Bills, to take power simply to build upon Finchley-road Estate?—Yes.

3069. It was stated during the debate on the last Bill that was introduced, that if Sir Thomas Wilson had power to build over the Finchley-road Estate, that he was prepared in exchange to enter into an agreement to preserve to the public in perpetuity the Heath proper. Do you know of any arrangement of that kind?—No; and it would be utterly impossible. Sir Thomas Wilson is a bachelor; he is 65 years of age. He can only do it for his life; and if Sir Thomas Wilson were to marry and have a child, it would upset every arrangement of that kind. It was in contemplation some years ago by Sir Thomas Wilson and his brother, Mr. John Wilson, and Mr. John Wilson's son, whether some arrangement could not be come to; but Sir Thomas being an unmarried man, it was a bar to any such arrangement being carried out. However willing, therefore, Sir Thomas Wilson might be, he is utterly powerless.

3070. Mr. *Shaw Lefevre.*] The concurrence might be obtained of the next heir?—That would not do.

3071. Mr. *Doulton.*] Am I to understand you to say, that Sir Thomas Maryon Wilson had a right, and exercised the right of compelling payment from persons going over the Heath?—For any purpose other than the ordinary one of strolling about the Heath.

3072. But if a school visits the Heath, Sir Thomas Maryon Wilson takes a payment from the school?—If it is for the purpose of a day's recreation, there is a fee of 1 *s.*, or 1 *s.* 6 *d.*, or something like that; the consent is granted, but to preserve his rights a fee is taken.

3073. The effect of the answer you gave would clearly intimate his power, and also that he exercises that power, of asking payment from all persons going on the Heath?—Clearly; it must be either by permission or payment.

3074. It does not apply to persons going on the Heath simply for the purpose of strolling over the Heath?—Nor to persons riding over it; there is very little interference.

3075. Sir *John Shelley.*] Will you explain upon what occasion it is that Sir Thomas makes this demand?—The managers of the Marylebone schools

schools are in the habit of taking the children there for a day's recreation; whereupon the committee write to the steward for permission. The children are taken up there in vans, and half a crown is paid for the standing of each of those vans.

3076. Mr. *Doulton.*] But on many occasions vans of children and persons desirous of obtaining a day's recreation go there without permission?—No doubt.

3077. Is payment universally enforced from them?—I cannot say it is universally enforced; in fact, it is very seldom enforced.

3078. Is it ever?—Yes.

3079. Can you tell us what the receipts of Sir Thomas Maryon Wilson from this source are?—No, I cannot. I dare say, if the Committee wish it, I could by next Monday extract the information.

3080. Can you tell us what the receipts of Sir Thomas Maryon Wilson are from the whole of the Heath; what is the value of the Heath, as it is at present, to Sir Thomas Maryon Wilson?—I cannot tell you. The Heath is assessed to the poor rate at 250*l.* a-year. The deputy steward is rated in respect of Sir Thomas Wilson being the owner of the Heath at 250*l.* a-year; but it would vary as regards the amount for digging sand. Here is one order for 4,000 loads, at 1*s.*, which comes to 200*l.*; it would vary materially from time to time, according to the demand for it.

3081. We have had it in evidence already, that the Heath has been very much injured during the last few years on account of the indiscriminate digging of sand and gravel?—On one side of the Heath, I think it has been.

3082. Is there no control exercised by Sir Thomas Wilson?—The sand is dug wherever it is found. It varies materially on the Heath; you may find a lump of it here, and you may not find any on the land adjoining it, and that would make it an uneven surface; so that it has altered materially the surface of the Heath.

3083. And although there is a common keeper or heath keeper, no control is exercised by him?—Beyond seeing that only so many loads are taken as payment has been received for.

3084. They can take from where they please?—It is only left on one side of the Heath.

3085. There have been certain parts of Hampstead Heath that have been inclosed during the past few years by Sir Thomas Wilson, for the planting of trees?—There may be altogether about two acres.

3086. At different parts of the Heath?—Principally at the end adjoining the East Park, and it is not inclosed. There were only some hurdles round it, and there was a complaint made, and then Sir Thomas Wilson gave orders that a post and rail fence should be put round.

3087. We have had it in evidence that in various parts of the Heath small pieces have been inclosed?—I believe there are.

3088. Can you tell us the object of Sir Thomas Wilson in inclosing those parts?—Only for ornament; that near the East Park was clearly for the purpose of ornament; for a screen to some linen posts in the grounds of some laundry people. The others are small pieces with which nothing could be done.

3089. It appears somewhat strange that Sir Thomas should inclose these spaces simply for ornamentation, and yet exercise no control over other matters, which materially depreciate the value of the Heath?—I think not; because the portion of the Heath to which you are alluding is far away from this spot, and is a part of the Heath only where the sand remains. The other portion has been excavated, and now remains as it was left.

3090. The inclosure of these spaces which are planted, is not, in your opinion, preliminary to making them available for building purposes?—Certainly not, in no case. The same concession was granted to Mr. Commissioner Evans, I myself insisting, on behalf of the lord, that these restrictions should continue; and the Copyhold Commissioners struck them out, because they said there was no power to reserve them; therefore, on those parts of the Heath the copyholders could build; but they are really very small spaces; those of Mr. Commissioner Evans might have been four or five spaces, a little larger than this room.

3091. Sir Thomas Wilson shares your opinion, that it is desirable the Heath should be preserved for the public use?—He has always expressed himself, when I see him, that it is desirable it should be preserved for the public use, and only says this: that if it be desired for the public use he should be paid whatever his interest is, the same as any one else might be.

3092. Supposing a proper sum were paid for his interest, there would be no objection on his part to dispose of it?—On the contrary; when, some years ago, it was in contemplation to form it into a park, he was consulted, and he expressed himself delighted.

3093. Is that the plan to which you refer which contemplated the connection of Hampstead Heath with Primrose Hill?—No, I fancy not; Hampstead Heath Park it was called; I fancy it was before Parliament in the Session of 1857 or 1858.

3094. He has always expressed his willingness to do it?—Always.

3095. Mr. *Tollemache.*] The extent of Hampstead Heath is 250 acres, you say?—I think so.

3096. But I understood you to say that you think a portion, I suppose by far the larger portion, could be secured to the public if a certain other portion were sold and allowed to be built upon?—No; my answer went to this, that in purchasing Hampstead Heath it should not be confined to Hampstead Heath proper, but that a much larger area of land, whether of Sir Thomas Wilson or anyone else's, should be acquired, and then the Heath being preserved for ever to the public by Act of Parliament, there would be a security which would so far increase the value of the adjacent land which had been acquired, that I thought the re-sale of that property would probably go a great way towards recouping the purchase money of the property. Sir Thomas Wilson being simply tenant for life, as I have already told you, has no power whatever to concede anything to the public, or to do that which is being done with Wimbledon.

3097–98. But Parliament is all-powerful?—Quite so.

3099. I understood you to say, that if a portion were given up to be built upon, that it might, perhaps, compensate the lord of the manor to an extent which would justify throwing open the rest of the Heath to the public?—It might be so; but I doubt whether any portion of Hampstead Heath ought to be built upon. It has always appeared to me that there ought to be an area acquired larger than the existing Heath.

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The effect of its not being done some years ago is, that in the very centre of Hampstead Heath you have a large town; in place of the little cottage you have now a large hotel, and some 12 or 14 houses. That was copyhold land some eight or ten years ago.

3100. Mr. *Hanbury.*] I understood you to say that, by the consent of the homage, the Heath could be built upon; is there anything unusual with regard to the rights of the lord of the manor in this respect, which do not apply to any other lord of the manor?—Except that being a Crown manor he has probably greater rights than any other lord.

3101. You said, I think, that by the consent of the homage, the Heath could be built upon?—Through the process which I pointed out, of there being copyholders, and they having a grant of a portion of the waste, they might give notice, under the Act of 1853, to the lord to enfranchise, and the effect of that enfranchisement would be, that the copyholder would become a freeholder of that piece of land, and he would have a right to build upon it.

3102. Mr. *Peacocke.*] But you said that the lord has been very chary of granting an enfranchisement?—He is powerless, because it is compulsory. He is very chary of making grants, or of the homage making the grants. The Lord's consent must be obtained, and then it goes before the homage; but Sir Thomas is very chary; in fact, I know of no grants having been made within the last few years of Hampstead Heath.

3103. You have told us that there are no persons possessing common rights; but at the same time you say that there are four copyholders having common rights?—Yes.

3104. They are common rights, I suppose?—No; they have the right of turning out, during the summer months, as many cattle as they can find fodder for in the winter.

3105. Are there any other copyholders, or any other persons claiming rights over the common?—None that I know of.

3106. Mr. Alderman *Rose.*] I think you say that no one can go upon the Heath without either permission or payment?—I do not say for the mere purpose of walking.

3107, Supposing anyone goes upon the Heath, and your keeper makes a demand, and the person refuses to comply, what is the course of proceeding?—We should give him into custody for trespassing.

3108. Have you ever done that?—We have not.

3109. Then it is not the fact that you permit no one to go on the Heath, except by payment or by permission?—Well, it is the fact, because we make the demand, although we do not choose to enforce it.

3110. Can you tell me under what circumstances the Suburban Hotel was built in the Vale of Health?—There was a small cottage there, which was bought by Mr. Donald Nicoll; and adjoining it was a garden of some half acre or more in extent; and adjoining that there were one or two small cottages. Soon after the passing of the Act of 1853, Sir Thomas Wilson received notice under the Copyhold Act to enfranchise, and I went down and enfranchised it, and soon after that I found that the hotel was being built; and, in fact, it encroaches upon the Heath, and it is a question between Sir Thomas Wilson and Mr. Nicoll whether a portion of the hotel has not been built upon the Heath, and whether that portion must not come down. Subsequently to the hotel being built, there were 14 or 15 houses built by the side of it by Mr. Nicoll; and the moment that was done I received notice from all the other owners of small cottages adjoining. The result is that there is now, in the centre of the Heath, a large town. So that what we were powerless to do has been done by our copyhold tenants.

3111. Mr. *Vance.*] With regard to the portion of Hampstead Heath, would it not be possible to frame an Act of Parliament insuring compensation to Sir Thomas Wilson's son, if he had one; and, failing issue, on his part, to his successors?—The compensation would be ascertained, I suppose, under the Lands Clauses Act.

3112. Would it not be practicable for the public to purchase the Heath by means of an Act of Parliament that would reserve all those rights?—I do not think that the Legislature or the Judges would consent to the shutting out of the interest of an unborn child. I think, if it is to be taken at all, it must be taken in the ordinary way, and bought under the Lands Clauses Act compulsorily.

3113. You say that there exists a power of forfeiture of the goods of a person who has died by his own hands; has that power ever been exercised?—Yes, I can mention a case in point. In the case of Mr. Sadleir, who committed suicide, Mr. Manning attended as the solicitor of the family, and said that he apprehended that the court could take no cognizance of the Irish proceedings. He stated that, with regard to the rights of the Crown, in the case to which reference had already been made, he had caused the matter to be thoroughly investigated, and it had been ascertained that, in the fourth year of the reign of Edward the 6th, a charter was granted to Sir Thomas Wrothe, the lord of the manor of Hampstead, whereby all the rights of the Crown which could accrue in the said manor, were transferred to Sir Thomas. Those rights included deodands, and therefore the whole of the goods and chattels of the deceased, of every kind, with the exception of his estate of inheritance, could be claimed by the lord of the manor of Hampstead, in the event of the jury returning a verdict of *felo de se.* The verdict was, died by his own hand, being of sound mind.

3114. Has any instance occurred in which the lord of the manor has insisted upon the forfeiture of the goods in a case of felony?—No, except in the instance above; the milk jug was claimed as a right, and returned.

3115. Can you inform the Committee what revenue is derived at the present moment by the lord of the manor from the digging of sand at Hampstead?—I cannot.

3116. At what amount per annum would you estimate that, roughly?—At one time it was not more than 200*l.* a year, but of late years it has been upwards of 400*l.* year.

3117. Sir *John Shelley.*] I think that we pretty well understand that Sir Thomas Wilson has only a life interest in Hampstead Heath?—In all the property at Hampstead.

3118. Including the Finchley-road Estate?—Including the Finchley-road Estate.

3119. By the will under which he holds the property, I believe he cannot grant building leases?—Not for more than 21 years.

3120. I understood you to say that, on former occasions, when Bills have been brought before the House, assurances were given by Sir Thomas Wilson

Wilson that he intended only to deal with the Finchley-road Estate?—In some of the Bills it was stated in express terms.

3121. Do you happen to know whether any proposition was ever made to Sir Thomas Wilson that, in the event of his promising, during his lifetime, not to consent to the inclosure of any part of Hampstead Heath, all opposition, so far as regards Finchley-road Estate should be withdrawn; and do you also know that he refused to give that assurance?—The application to him upon that subject was made, as he considered, by an unauthorized party, and he declined to entertain it. I may here say that, some few years ago, an offer was made by a noble Lord, owner of adjoining property, to the effect, that if Sir Thomas Wilson would transfer some 12 acres of the Heath, that noble Lord would undertake to assist in passing the Bill through the House; that we have in writing.

3122. We understand that there is a Bill now before the House of Lords?—It has been read a first time.

3123. As a private Bill?—As a private Bill.

3124. Is that called the Finchley-road Estate Bill?—Yes.

3125. In that Bill you refer to all the codicils of the will of the late Sir Thomas Wilson?—Yes.

3126. You state in one of the clauses that you have no reason to suppose but that the testator intended to give the same power to grant leases as exists with reference to the other property?—There is good reason to suppose that it was a mistake on the part of the attorney.

3127. Do you know that exactly the reverse was held by the House to have been clearly proved; namely, that the testator intended that the Heath should not be built upon?—Even supposing that to have been the intention of the testator, we must bear in mind that railways were not then in existence. His land in Hampstead is now being confiscated by railways, at prices one-fourth or one-fifth less than the actual value of the land, supposing it were fettered with no condition.

3128. The Bill to which you have just referred will, of course, be brought before the House of Commons?—Yes.

3129. Supposing that some person in authority were to propose to Sir Thomas Wilson that he should be allowed to carry his Bill with reference to the Finchley-road Estate, upon the understanding that he would enter into an agreement during his life not to interfere with Hampstead Heath, do you think that he would be willing to give such an assurance?—I cannot say; it is a question which I have not put to him.

3130. I understand you to say that Sir Thomas Wilson has no intention of inclosing the heath?—He has no such intention.

3131. Are you authorised, on the part of Sir Thomas Wilson, to say that for his life he would enter into such an understanding, all opposition to the Finchley-road Estate Bill being withdrawn?—That I am not authorised to say because I have not put the question to him.

3132. Mr. *Shaw Lefevre.*] Will you make the inquiry?—I will.

3133. Sir *John Shelley.*] Having myself taken an active part against the former Bills, I should be obliged to do the same with reference to the present Bill, unless an assurance were given by Sir Thomas Wilson, that during his life he would enter into such an arrangement as I have suggested not to inclose Hampstead Heath?—That would be interfering with the rights of an individual, because he happens to be the owner of an open space.

3134. No one would attempt to do so, but for the assertion on his part, that that is his intention; do you believe that he would be prepared to enter into such an agreement?—I do not know; Sir Thomas Wilson would probably find himself in this difficulty, that he could do nothing which should affect the remainder-man.

3135. I am merely asking you whether, during his life, he would enter into an agreement that nothing should be done?—Assuming that his assent would not affect the position of those who come after him, I think it is very likely that he would; I will ascertain that.

3136. Mr. *Shaw Lefevre.*] Will you also ascertain whether he will be willing to do anything towards getting the consent of the remainder-man?—That he cannot do. I should state, however, that this result would probably follow, that if you get Sir Thomas Wilson's consent, he would in point of fact, be sacrificing for his life a large amount of income, because in valuing the different interests in the Heath, it would be considered that he at 65 years of age, and having, therefore, probably 10 years to live, had given up his interest. You would be discounting the purchase-money for that period of his life.

3137. Sir *John Shelley.*] I take it for granted that Sir Thomas Wilson's object is to build on the Finchley-road Estate?—Clearly.

3138. The object of this Committee being to inquire into the desirability of maintaining these open spaces for the benefit of the public, I wish you to ascertain whether upon the condition of his being permitted to build on the Finchley-road Estate, he will undertake not to interfere during his lifetime with Hampstead Heath?—I will ascertain that.

3139. Mr. *Kinnaird.*] You have stated in your evidence that there are at this moment contracts for delivering 4,000 loads of sand?—Yes.

3140. That will be taken from any part of the Heath?—Yes.

3141. But no attempt is made to fill up the holes?—No.

3142. Do you not think it desirable that something should be done towards levelling the ground after digging out the sand?—I think that that would destroy one of the features of the Heath. A little draining may be required, but when the furze is allowed to grow again it does not detract from the appearance of the Heath.

3143. But you are aware that it never is allowed to grow again?—We do nothing. We take the mineral and sell it.

3144. Greatly to the discomfort and detriment of the public generally who enjoy the Heath?—It must be so to that extent.

3145. Whilst Sir Thomas Wilson derives a revenue from the Heath, he does nothing to promote the comfort of the inhabitants?—Nothing is done.

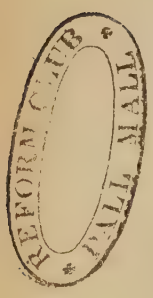
3146. You have given some evidence with reference to charges which are made upon vans; would a private carriage be equally liable to that charge?—If it went on to the sward, I apprehend it would be.

3146*. Or a horse?—Yes.

3147. It is perfectly clear, is it not, that that right

Mr. *F. J. Clark.*

4 May 1865.



right has not been enforced?—We have never enforced it.

3148. Do you believe that you could get a conviction?—As a mere matter of law, I say yes.

3149. But as a matter of fact, no?—Merely because we concede it.

3150. Did I rightly understand you to say, in a former part of your evidence, that a noble lord offered to pass a Bill through the House of Lords, if 10 or 12 acres were made over to him?—We have the correspondence. The effect of it was that, upon certain portions of land being conceded, the opposition to the Bill should be withdrawn.

3151. Conceded to whom; to the party writing?—Yes.

3152. Could you point out on the map the portion of land?—It is very personal; I think I would rather not.

3153. Is that noble Lord a Member of the House of Lords?—Yes.

3154. And residing in the immediate neighbourhood?—Yes.

3155. Mr. *Shaw Lefevre.*] Does the Bill now before the House include all the property of Sir Thomas Wilson?—Oh, no.

3156. It does not include that portion of his land which adjoins the common?—No; there are 54 acres, called the East Park, some land near Telegraph Hill, and other land.

3157. It includes only a portion of the land which was comprised in the previous Bills which have been brought in?—It includes about 220 acres, I should think, which is about two-thirds of the whole area. In fact, it is only the land which is affected by these railways.

3158. You are not steward of the manor yourself?—No, my brother is steward of the manor, but I and my predecessor have been concerned for the Lord of the Manor for 45 years.

3159. Has it been the custom of the steward to drive the manor, to see whether there are any other than the copyholders' cattle upon it?—They used to drive; they do not now, but they impound the cattle.

3160. Are there a considerable number of cattle turned out on the common?—I should think not, beyond donkeys.

3161. There is a considerable number of donkeys?—Yes, for which they pay four pence a year each.

3162. Do they actually pay?—Yes, the amount is pretty regularly paid.

3163. You stated that the copyholders who have any rights on the common are only three or four in number?—We can only trace three, but I think there may be four, and those are only heriotable copyholders.

3164. How do you trace them?—By the court rolls, of course.

3165. The other copyholders of the manor, of whom there are a considerable number, have no rights?—No.

3166. Their consent is necessary for any grant of the waste?—That is questionable; we have always, as a custom, got the consent of the homage to the granting of the waste.

3167. Do you also contend that the Lord of the Manor has a right to inclose under the Statute of Merton, without the consent of the copyholders?—I think if the homage were to refuse, the lord would have the right.

3168. Provided he leaves sufficient for the commoners?—Quite so.

3169. As far as you are aware, no such case has occurred?—No.

3170. It has been the custom always to obtain the consent of the copyholders?—Of the homage.

3171. May it not be the case that that custom would operate against the lord himself, that he could inclose without the consent of the copyholders?—It might.

3172. Have you taken an opinion on that point?—We have not.

3173. Have there been any grants made under this custom to anybody except copyholders?—Never.

3174. When you summon the copyholders to court, do you nominate or select from them the homage?—Generally; the foreman has been the same foreman for years; he is one of the oldest tradesmen in Hampstead, and there are two or three who always attend, and the rest are made up of the copyhold tenants.

3175. Does the homage consist of all the copyholders who come to the court?—No; because sometimes there might be 30 or 40 copyholders.

3176. Who nominates the homage?—They are selected by themselves, or by their foreman and the steward.

3177. Do you know whether the consent of the copyholders has been the consent of all those who are nominated on the homage, or of the majority?—Yes; because they sign the minute book.

3178. Are the freeholders also summoned to this court?—No; only the copyholders.

3179. What is the last grant of this kind that has been made; how long ago was it?—I do not know.

3180. Has there been any grant since the Copyhold Enfranchisement Act?—Yes; a piece of vacant ground on the top of Haverstock-hill. There was a considerable frontage of turf between the land and the public footpath, that was granted last year to the copyhold tenant of the property behind it, and a fence has been put up. It merely brings the land up to the front of the street. Then there is another instance of the ground immediately in front of it. Sir Thomas Wilson had given it for the site of a church; but, as it would have to pass through the ordeal of a trustee being admitted to the copyhold, the Ecclesiastical Commissioners declined it, because of its coming from Sir Thomas Wilson, he having no power to grant building leases.

3181. Supposing such grant has been made by the copyholders, and no restriction as to building enforced by the Lord of the Manor, could not the copyholders to whom such grant has been made build upon it?—That is the practical effect now.

3182. So that it is possible, even during the lifetime of Sir Thomas Wilson, that, with the consent of the copyholders, all this common might be granted and built upon?—We have about 250 copyhold tenants, and supposing each of those 250 tenants were to apply to the Lord for a portion of the Heath, and agreed with Sir Thomas Wilson that he should have his share of it, by the process I stated the whole of the Heath might be enclosed.

3183. Might there not be a grant to one copyholder of the whole of the common?—Assuming you could get the consent of the homage, of course.

3184. Supposing such a grant were made, and the lord were to put in no restriction as to building, the copyholder could build upon it?—Not until it was enfranchised.

3185. Why

3185. Why not?—Because so long as he was a copyhold tenant, he would have to pay the lord a fine upon death or alienation. The fine would be increased; if a person built to the extent of 1,000*l.* a year he might have to pay two years' fine.

3186. You told us that Sir Thomas Wilson could do nothing which would affect the remainder men; but it would seem that by the lord giving his consent to a grant by the homage, and then an enfranchisement taking place, the whole thing could be done without the consent of the remainder men?—Yes, because he is tenant for life. In fact, it is the Copyhold Act which confers that right upon him.

3187. But there appears to me, from what you said, to be nothing at present to prevent the consent of the homage being given to a grant, and then an enfranchisement being obtained with the consent of the present tenant, so as in effect to cut out the remainder men altogether?—No; because you see the enfranchisement money goes into court. Sir Thomas only gets the life interest.

3188. Would it be considered with reference to the building value of the land?—Yes, the money would go into the Bank of England in the same way.

3189. Supposing compulsory powers to be given to the Metropolitan Board of Works to purchase this land, have you considered what the interest of Sir Thomas Wilson and of the remainder men would consist of?—No; I have expressly avoided that, because it would devolve upon me to make Sir Thomas Wilson's claim.

3190. I think at one time we heard so large a sum as 400,000*l.* mentioned?—I have heard it mentioned also, but it seemed to me to be a very large sum.

3191. We were told the other day of 50,000 persons having been on this Heath on Easter Monday. Was there any attempt made by the Lord of the Manor to warn those people off?—No.

3192. Or to inform them that they were trespassers?—No; on a holiday, especially, we never interfere.

3193. Do you agree with that statement that there were something like 50,000 persons present?—I do not know whether it is correct or not.

3194. Has it been the usual thing for great numbers to go there on holidays?—Yes; on holidays, decidedly.

3195. There has been no attempt made by the lord to interfere?—No.

3196. Do they come in vans?—Yes.

3197. Do they play games on such days as that?—Yes.

3198. They have never been interfered with?—We may ask one or two, just to claim our right, and there leave it. You shall have a return of the payments made.

3199. Mr. *Doulton.*] You alluded just now to an extraordinary proposal made to Sir Thomas Wilson by a Member of the House of Lords. How long ago is that?—About 15 years ago.

3200. Is that noble Lord still living?—That I do not know; he may be. The history of the matter appears to be this: it was a letter from the noble Lord's agent to the late steward, to the effect, that if a certain number of acres were sold at a certain price, all opposition to the Bill would be withdrawn, and his best services rendered to get it passed. We cannot get at the letter; I thought we could.

3201. Sir *John Shelley.*] Was there a Bill before the House at that time?—The first Bill was presented in 1829.

3202. Mr. *Shaw Lefevre.*] In searching the roles of the manor, have you found any case in which a grant was opposed by the copyholders?—There is no instance of one having been refused.

3203. In all cases the homage have consented and put their names?—Yes.

3204. Do you think that such a custom would be construed strictly as against the Lord of the Manor?—I do not know; it is a legal question.

3205. Supposing any one of the homage were to refuse consent?—I apprehend the steward would summon another homage, and exhaust the copyholders until he found 12 men who would consent; and even assuming that he could not get 12 men to consent, I apprehend the lord would then exercise his own rights.

3206. Supposing any one of the homage to refuse consent, would the Lord of the Manor summon another homage and get their consent?—Yes.

3207. In point of fact, the custom you set up is this, that the Lord of the Manor has a right to summon those men if he likes?—Yes.

3208. And get the consent of all of them?—Yes, it being also an open court.

3209. Those 12 men would have the right of making grants of the manor, as against copyholders who have actually rights of common?—Yes.

3210. Sir *John Shelley.*] Have you any objection to mention the name of the noble lord to whom you referred in an earlier part of your evidence?—I have, because I have not seen the letter. Upon inquiry, since I gave that answer, I find that the letter was from the agent of the noble Lord, and that it was addressed to the late steward. We cannot put our hands upon the letter, and therefore, without looking at the precise terms of the letter, I would rather not speak positively of its contents.

3211. Mr. *Peacocke.*] It was in writing?—There was a letter from the agent to the late steward of the manor.

3212. Sir *John Shelley.*] Do you object to state the name of the agent?—It was Mr. Watson.

3213. Where does he live?—I do not know, but I should think that he must be well known.

3214. Mr. *Shaw Lefevre.*] Have there been a great many enfranchisements?—Since 1853 we have had, I should think, about 40.

3215. Then the copyholders are gradually decreasing in number?—They are. Under the Act the Lord of the Manor would have the power of extinguishing the copyholders, because he could give them notice to enfranchise compulsorily.

3216. The copyholders would have no right of common, except under a regrant?—No.

3217. And you say that there are only four who are entitled to a regrant?—There are, perhaps, four.

Mr. Thomas Drake, called in; and Examined.

3218. Mr. *Doulton.*] You are resident at Peckham?—Yes.

3219. How long have you been so?—Fifteen years.

3220. Of what profession are you?—I have no occupation.

3221. I believe you are well acquainted with Peckham Rye?—I am.

Mr. *T. Drake.*

4 May 1865.

3222. Who is the Lord of the Manor?—Sir William Bowyer Smyth.

3223. Is he sole Lord of the Manor?—I understand he is now.

3224. Is he Lord of the adjoining Nunhead Common?—The manors comprise Camberwell Friern and Camberwell Buckingham, in which are included Nunhead Green and East Dulwich.

3225. What is the extent of the whole?—About 72 acres.

3226. You are, I believe, a member of the committee which has from time to time been appointed to protect the common, and preserve it in its present state?—I am; I am also a lessee under the Lord of the Manor of Peckham Rye.

3227. Has the Lord of the Manor from time to time granted leases to the inhabitants?—I do not know that he has granted any other leases than those now in existence which were for 21 years.

3228. When were those leases granted?—They expire in December 1866.

3229. The sole duty of taking care of the common has devolved upon the committee?—Yes; the necessary expenses are met by contributions from the inhabitants.

3230. What has been the annual cost of keeping the 70 acres in decent order?—The cost has been as much as 100 *l.* a year; but of course when less is subscribed we spend less. We keep within our limit.

3231. I need hardly ask you whether Peckham Rye is much frequented?—It is very much frequented; at extraordinary times, such as Easter and Whitsuntide, we are obliged to employ three extra policemen for whom we pay.

3232. Is Peckham Rye considered of such importance to the inhabitants immediately around the Rye as that they would be still willing to continue to pay some small subscription for the purpose of maintaining it?—They do not certainly subscribe so freely now as they did at one time; but still I have no doubt that they would subscribe sufficient to keep up a reasonable supervision of the Rye.

3233. Are there any outlying portions of the common, small though they be, that might be appropriated to building purposes without materially affecting the character of the common?—I think not. The outlying portions are in lanes, and the Lord of the Manor has in many instances, I believe, allowed the inclosure of the green part of the lane, receiving a small quit rent. Of Peckham Rye proper I do not think that any portion could be served for building purposes.

3234. The existing leases, you say, will expire in 1866?—In December 1866.

3235. Has your Committee had any communication with the Lord of the Manor with reference to renewals of the leases?—Not with respect to the renewals. It was incidentally mentioned by me a short time ago to the solicitor of the Lord of the Manor that something must be decided upon.

3236. But no application for a renewal has been made?—No application has been made. It being desirable that the common should be kept open for the recreation of the inhabitants, I may mention that a more efficient supervision of the common is required than can possibly be given by the committee. It should be such a supervision as would be given by the Board of Works or some other similar authority. Last year we had great difficulty in preventing the holding of a fair on the common; 32 vans of Wombwell's came with wild beasts. Two days previous to Easter and Whitsuntide about 25 vans took up their station on the common, and had to be removed. It is a work of some difficulty to keep the place in anything like order.

3237. With the existing machinery?—Yes.

3238. The inhabitants are very apprehensive, are they not, that unless some steps are taken, some portion may be inclosed for building purposes?—They are.

3239. Mr. Alderman *Rose.*] Which there is nothing to prevent, as I understand, when the present leases expire?—Yes, they think there is; there are freehold rights of common granted to several farms. Those who have freehold rights of common there do not, except in a few instances, exercise them; but the common right is partly appropriated by the lower class of people in the neighbourhood who keep ponies and donkeys; sheep and cattle are also regularly depastured there in great numbers.

3240. Mr. *Doulton.*] Are there no commoners who exercise the right of turning out cattle?—I believe there are only one or two whom we consider to have a common right who do so; I have a common right in respect of two properties, but I do not exercise it.

3241. Mr. *Shaw Lefevre.*] But although you have not exercised those rights, you have no reason, as I understand, to suppose that they are extinct?—Not in the least; I could at any time exercise my right.

3242. You think that those rights are still valid as against the Lord of the Manor?—We have no reason to doubt it.

3243. Mr. *Doulton.*] Do you know whether the right exists of cutting turf?—There are the usual words in a conveyance of 1777, and in several subsequent conveyances from vendors to purchasers conveying "the right of common and turbary." I believe it extends no further.

3244. Mr. *Shaw Lefevre.*] It includes the right of turbary?—It does.

3245. Mr. *Doulton.*] Have you had any communication from the Lord of the Manor?—Not personally.

3246. With his steward?—I frequently see his solicitor.

3247. I believe he is not unfavourable to the preservation of the common for the purposes of public recreation?—He is rather in this way, that he would dispose of his rights, I think; indeed, I myself offered, some three months ago, to buy them if he would put a reasonable price upon them. I represented to him that he had nothing but the five guineas a-year which he received from the lessees; he makes nothing out of the common itself. The whole of his profit has arisen from the outlying districts, where he granted little slips to be inclosed.

3248. Mr. *Shaw Lefevre.*] Have there been any grants of that nature of late years?—I believe there have been. On Forest Hill, and also in Lordship-lane, going towards the Crystal Palace. I saw, some time ago, inclosures, which were probably made by the authority of the Lord of the Manor; and if so, I should suppose that he received some remuneration.

3249. Did you find, upon inquiry, that the Lord of the Manor was willing to dispose of his rights at a reasonable price?—The Lord of the Manor being on the Continent, I had no answer for some time, and when it came it was, that as there was some inquiry going on with reference to open spaces, he was not prepared to say what he would do.

3250. *Chairman.*]

3250. Mr. *Doulton.*] The application you made is, I suppose, of recent date?—It is.

3251. Mr. *Shaw Lefevre.*] Is it a copyhold manor?—It is freehold.

3252. Is Dulwich Common part of the same manor?—No.

3253. Of late years I believe that there has been a great increase in the building of houses for the poorer classes?—In the lower part of Peckham there have been considerable building operations.

3254. For the labouring classes?—Yes, but not near the Rye. In consequenece of the railways, land is beginning to be very much required for building purposes.

3255. What is the extent of freeholds in respect of which you claim the right of turning out?—Perhaps 12 acres. Mr. *T. Drake.*

3256. Have you reason to believe that there are several other freeholds in the same condition as your own?—Precisely. 4 May 1865.

3257. What is the building value of land about there?—The property I have just mentioned as belonging to me, I have mapped out for building, and yesterday I all but let some portion of it at 7 *s.* per foot frontage, which would produce 1,000 *l.* a year for 12 acres. The value per acre near the Rye varies from 300 *l.* to 700 *l.* per acre, according to the situation.

Mr. Charles Graham, called in; and Examined.

3258. I believe you are Deputy Steward of the Lord of the Manor of Peckham Rye?—I am.

3259. How long have you been so?—My partner, Mr. Domville, is steward of the manor; he and I have for many years acted as solicitors to the Lord of the Manor. There are two manors, Camberwell Buckingham, and Camberwell Friern. Peckham Rye is included in both manors in about equal proportions.

3260. What is the extent of the whole?—I think that Peckham Rye is about 50 acres. There is a place called Goose Green, and also Nunhead Green.

3261. Have you had any communication with the Lord of the Manor respecting his willingness to dispose of his rights for the purpose of maintaining this common for the public?—At present there are 21 years' leases, which expire next year. At the time those leases were granted the owner was possessed of considerable property in the neighbourhood, which he has since sold, so that now he has little or no interest in the neighbourhood. He is still, however, Lord of the Manor, and he considers that he is absolute owner of the commons, there being, to our knowledge, no copyholder having any rights.

3262. Are there no commoners?—I am not aware of any; if there are any persons with rights to turn out we are not aware of them.

3263. As representing him, do you believe that he would be willing to dispose of those rights?—He can sell his interest as Lord of the Manor.

3264. Mr. *Shaw Lefevre.*] Is it a copyhold manor?—There are no copyholds now; probably it was so long ago.

3265. Do you suppose that any of the freeholders have rights of common over Peckham Rye?—I doubt much whether they are exercised.

3266. Has the Lord of the Manor taken any means to drive the cattle away?—No; it has been in the hands of his lessees. He let the common to a committee of gentlemen in the neighbourhood, who have kept it up as an ornamental place. Mr. *C. Graham.*

3267. Are you aware whether cattle are turned out upon the common by those who may have acquired prescriptive rights over the common?—I have no knowledge.

3268. What other commons are there besides Peckham Rye?—Goose Green is a very small place.

3269. What is the acreage of it?—I should think not more than 10 acres.

3270. I suppose it would be considered a village green?—There are only a few houses there.

3271. Would it not be considered a village green?—Possibly.

3272. What is the name of the other common you mentioned?—Nunhead; it is a small place, which has been very much encroached upon.

3273. Of how many acres does it consist?—About two.

3274. Has Peckham Rye been encroached upon?—There have been small encroachments.

3275. With the consent of the Lord of the Manor?—He has consented.

3276. Has he received anything for it?—Sometimes a rent or other payment.

3277. I understand you to say that the Lord of the Manor is ready to dispose of his interest. You also state that he considers the property absolutely his; do you consider that he is entitled to the full building value of the land?—I believe he would; I think that he has the right to inclose, leaving enough for the commoners, if there are any. He has the right of digging for gravel, sand, or turf; and those rights are expressly reserved in the existing leases.

Lunæ, 8° *die Maii*, 1865.

MEMBERS PRESENT.

Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Sir John Shelley.
Mr. Peacocke.
Mr. Tollemache.
Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

THOMAS ALCOCK, Esq., a Member of the House; Examined.

T. Alcock, Esq. M.P.

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3278. *Chairman.*] You are Member, I believe, for East Surrey?—Yes.

3279. And have been so for a great many years?—Yes.

3280. You are likewise Lord of the Manor of Banstead?—Yes.

3281. And also of Sutton?—Yes.

3282. I believe your attention has been turned to the question of open spaces for a long time?—It has.

3283. What is the extent of Banstead Downs?—Fourteen hundred acres.

3284. Can you inform me what number of commoners there are?—I cannot. We consider that all those who have lands in the parish have a right of pasture upon it, and I believe they have always exercised that right. I do not know what the right is legally.

3285. Have they any other rights but that of turning out cattle?—I have not objected to their cutting furze for burning in their own houses. The right of digging gravel, and of cutting turf belongs exclusively to the lord, from long usage.

3286. Have they the use of estovers vested in them, or do you permit them from time to time to cut furze?—I should think that they have the right to cut furze for fuel in their own houses, but when they attempt to burn it with a view to putting it as dressing on the land, I object. In the time of my predecessor a man was tried at the assizes at Guildford, and sent to prison for non-payment of the costs of the action brought against him for that offence.

3287. You do not object to their taking a small quantity for fuel?—Not at all.

3288. But you are not aware whether they have a defined right of that nature?—No.

3289. You have not raised any objection to that modified use of the furze?—No.

3290. Is the pasturage valuable?—No, I should say not. It has been dug in such a manner by almost all persons who have rights there, that at this moment I believe 300 or 400 acres of what is called Banstead Downs would hardly feed a rabbit; besides that, the Banstead Railway has come through it, and has taken up 40 or 50 acres, for which the Company are offering to pay about 50*l.* an acre. At the same time other persons appear to have looked upon this as an opportunity which they would not lose of cutting turf; and I could not prevent them, because they said, "It is no use your preventing my gardener cutting turf and mould, because 40 or 50 acres are going to be covered with spoil from the railway, and therefore we are only taking that which will shortly be covered with spoil 20 or 30 feet deep."

3291. Does the railway cross Banstead Downs?—It runs right across from Sutton to Epsom Downs.

3292. Have you considered any proposition by which the object might be achieved of preserving Banstead Downs for the benefit of the public?—I have.

3293. Do you propose that commissioners should be appointed, to whom might be conveyed, and in whom might be vested, any waste or uninclosed lands, with the object that they may be dedicated to the public as open lands for ever?—That would be my proposal.

3294. Do you propose to convey to those commissioners gratuitously your rights as Lord of the Manor of Banstead in the soil of 1,400 acres, forming the waste lands of that manor, situated from 12 to 14 miles from London?—I do.

3295. What power would you suggest should be vested in the commissioners. Would you suggest that they should have power (with all necessary consents) to improve such lands by laying down the same in "stinted pasture," and by planting, and that they should have power to sell a portion of such lands to provide a fund for the improvement of the remainder?—Yes; I recommend planting in a quiet way, to ornament the locality.

3296. You would, then, leave the commoners in the enjoyment of those rights which they have hitherto exercised?—Quite so, but the pasture would be very much improved.

3297. If this were done, and conveyed as you say, with this power vested in these commissioners, what reason have you to think that the commoners would be satisfied?—My reason is, that I consider the commoners would by law have a right to turn their sheep over the whole of the 1,400 acres of waste land. That would be left to them under the circumstances of my giving up my rights, if I have the power to do

so, only that the land would be much improved; because, if the 1,400 acres were levelled and laid down in permanent pasture, you would make it nice "stinted pasture," as it was 100 years ago.

3298. If your plan were adopted, do you consider that it would be for the benefit of the commoners?—I do.

3299. They would have better pasture for their sheep?—The 1,400 acres are my freehold, subject to the right of others interested to turn on their sheep and cattle; and as the whole 1,400 acres, except a small portion, which I suggest should be planted for ornament's sake, would be much improved, the commoners would be proportionably benefited. They would have all the rights that they ever had or could have, as heretofore.

3300. The consent of the commoners would not be necessary, of course, to enable you to dispose of your rights to the commissioners, or any one else?—I cannot exactly answer that question; I do not interfere with their rights in my proposition.

3301. You would have a right to convey your rights to the commissioners, but then comes the question, how far the commissioners would be able to deal with that property which they had obtained by your gratuitous grant in the way that is suggested, namely, that they should take a part of it for building land, so as to recoup them the expense they were put to, without the consent of the commoners. That might be doubtful, but you stand alone, do you not, as lord of the manor?—I have not asked any one about it.

3302. You have your rights, and they have theirs?—Of course.

3303. Any man may part with his own rights if he likes?—Yes.

3304. But he cannot dispose of the rights of other people?—No: the Inclosure Act gives power in reference to stinted pasture, to sell land for the purpose of such fencing as may be required.

3305. None of these things can be done, and no steps taken by the commissioners without the consent of the lord of the manor?—I suppose not.

3306. Supposing the common to be inclosed, the first thing to be obtained is the consent of the lord of the manor?—Just so; it is his freehold.

3307. He, as one party, may consent to anything to be done, and the commoners are another body, who are likewise called upon to consent; but that is done by a certain number of them doing it, which is equivalent to the whole of them doing it?—I consider the commoners cannot complain, because I take nothing from them; the whole would be left as permanent pasture for ever.

3308. Your view is that it should be always kept open for the use of the public?—Yes. *T. Alcock, Esq., M.P.* 8 May 1865.

3309. With no inclosure?—None at all; the public would have more perfect enjoyment of the common than they have ever had in consequence of the improvements of the soil.

3310. Mr. *Doulton.*] Supposing your proposal to be adopted, would it not be, in your judgment, better that the rights of the commoners and copyholders should be purchased, so that no interference on their part should take place with the open spaces. You propose, I think, that the copyholders and commoners should retain their rights?—I propose that they should retain all the rights they ever had.

3311. I ask you whether it would not be preferable to purchase those rights?—I consider that it would be impossible to calculate what would be the fair price in any way.

3312. Have you any notion of the number of copyholders or commoners?—I have no idea; the whole parish have a right to turn their cattle out; they have always done so.

3313. Mr. *Lyall.*] Was there not a proposition in the year 1846 to inclose Banstead Heath?—Yes; I have made six or seven propositions, myself.

3314. When that proposition was made in 1846 did not the lady of the manor, your predecessor, object to it?—I do not remember; she took no particular part in it.

3315. Did you originate the proposition?—I think very likely I did; I have tried very frequently to carry it out.

3316. The common is now in a very bad state, is it not?—It is perfectly miserable; it is a most disgraceful place for any one to have anything to do with.

3317. Supposing that you are kind enough to hand over your rights as lord of the manor to commissioners, an Act of Parliament might be obtained through the Inclosure Commissioners for purchasing the rights of the commoners, by giving them allotments of building land, or otherwise?—I should not like that; I want it to be an ornament to the country, as it might be, instead of being a disgrace, as it is now. If it were planted, and made tidy and level, it would be a great ornament.

3318. The commissioners would have to incur considerable expense to keep such a large common in order?—No; it would only be laid out in permanent pasture, like Epsom Downs or Clapham Common; all the parks of London are much the same.

3319–20. Some expense must be incurred in keeping them in order?—I do not suppose that there is much expense attending the preservation of Clapham Common or Hampstead Heath.

Alfred Atkinson Pollock, Esq., called in; and Examined.

3321. *Chairman.*] You are a solicitor?—I am. *A. A. Pollock, Esq.*

3322. Are you also Steward of the Lord of the Manor of Banstead Downs?—I am.

3323. I believe you have considered the proposal of Mr. Alcock with him?—I have.

3324. Do any difficulties suggest themselves to your mind with reference to carrying that out?—None.

3325. In the first place, Mr. Alcock has a clear right, if he chooses, to dispose of his rights in the common to any one he likes?—Clearly; the lord of the manor is the absolute owner of the soil, subject to what may be called the user of the land which the commoners have; in fact, just as a freeholder holds his own land, although there may be a right of way over it which may render it of no value to himself.

3326. This land might be conveyed by Mr. Alcock to commissioners, subject to their covenanting

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nanting not to part with it?—The suggestion rather is, that it should be conveyed to commissioners in trust to keep it open land for ever, so far as they can do so, having regard to the fact that it may be necessary to part with a small portion for the preservation and improvement of the rest.

3327. It would be conveying it to the commissioners in trust for the public?—In trust for the public, to keep it as an open space.

3328. Could the commoners prevent that?—They would have no voice in the matter whatever.

3329. They would merely be left in the enjoyment of those rights which they enjoyed before the conveyance by Mr. Alcock to the Commissioners?—The Commissioners would, as a body, become, so to speak, the lord of the manor.

3330. Do you think that the commoners could have any reasonable objection to the proposal?—All chance of an inclosure would be put an end to for ever, and therefore where commoners are looking to the chance of having the common inclosed in order that it may become valuable to them for building purposes, they would not like to see the lord of the manor convey those rights which would prevent the inclosure as long as the world lasts.

3331. They would be trustees clothed with the rights and powers of the lord of the manor?—They would; and with power to take grants or to acquire, if Parliament chose to grant the money for the purpose, any lands which it might be considered advisable to retain as open spaces.

3332. Mr. *Lyall.*] The lord of the manor has the right of digging gravel, has he not?—He has; but I very much doubt whether there is any quantity of gravel.

3333. I thought a considerable revenue was derived by digging gravel on Banstead Downs; I know I pay so much a yard for it?—On some wastes there is a revenue derived by the lord of the manor, but on others there is no revenue of any kind; in some it is a mere source of expense which, generally speaking, is discharged by the lord of the manor himself.

3334. But it might be an important source of revenue to the Commissioners?—Yes.

3335. There is a great deal of building going on in Surrey, and consequently there is a great demand for gravel?—Yes, it would be part of their means for meeting any expense that they were put to; but they need not be at any expense. The worst that could happen is, that they would leave the common as it is. In order to meet the expenses of improvements, two courses might be adopted; one to sell some outlying portions, and the other to improve the common, so as to justify the payment of a small rent by people using the common. When once the commoners found that there was no chance of inclosing the common, they would turn their attention to the mode in which it could be best improved. My impression is, that commoners often very gladly see a common get into a disgraceful state, in the hope that it will be inclosed, in which case they get a very preponderating quantity of it; because the pasturage of the waste is supposed to be the only value.

3336. On Banstead Heath the land would be very valuable for building purposes?—No doubt. But as a common, the property of the commoners is worth next to nothing. If it were inclosed, and a large portion were allotted for building purposes, it would be of considerable value.

3337. You are probably aware that all building land there is worth 100 *l.* an acre?—All land about there is worth quite that, and on the Sutton side, perhaps, it is worth double the amount.

3338. Mr. *Peacocke.*] Do you propose applying for a public Act to carry out the proposal?—No.

3339. Your object in bringing the proposal before us is, that we may recommend it?—Quite so. Mr. Alcock's first idea was entirely with reference to his own manors; but it seems to me to be a very large idea, and one which might be usefully extended to copyholds all over the country, because in my opinion three-fourths of the wastes throughout the country are practically of no value, either to the lord of the manor or to the copyholders. To the commoners who have the right of turning on their cattle the pasturage is hardly worth having. I happen to be churchwarden at Hampstead, and I see that the commoners do not turn out their cattle, but that costermongers turn out their donkeys. We bring the proposal before you, sitting as a public body, to preserve, as you best can, open spaces around the metropolis.

3340. Mr. *Locke King.*] Mr. Alcock suggests it as a benefit for the public?—Entirely.

3341. Of course he does not wish to go to the expense of an Act of Parliament?—Of course not, nor would it apply to Banstead alone, because the commons of Banstead alone would hardly stand the expense of a public body sitting permanently.

3342. Mr. *Shaw Lefevre.*] You propose to give to the commissioners the power of purchasing the rights of the commoners?—Clearly; but the funds by means of which they are to be purchased would probably be found by Parliament.

3343. In a case in which the lord of the manor does not accede to the suggestion of vesting his rights in commissioners, would you give to them the power of purchasing those rights?—I think it is desirable, because they acquire then exactly the same power. The lord of the manor is one, and the commoners are another body. Neither can act without the other. Each has an absolute veto upon anything like inclosure; and, therefore, if they purchase the rights of the majority of the commoners they would defeat any inclosure.

3344. You think that that would not be an unfair thing as regards the lord of the manor?—Not in the least. I think it would be a most proper thing. The commissioners appointed might acquire such a number of the common rights that two-thirds in number of the commoners could not carry an inclosure. At the present time, if two-thirds of the commoners and the lord of the manor consent, an inclosure may be carried out.

3345. But even then there must be an Act of Parliament?—There must be an Act of Parliament, but for practical purposes you may consider that when two-thirds of the commoners and the lord concur, the inclosure always takes place. If the commissioners were to acquire so many rights of the commoners that two-thirds could not be found to consent to an inclosure, they would prevent the inclosure as much as if they bought the lord's rights. When an inclosure takes place, the lord generally gets a very small proportion. Generally only one-fifteenth or one-sixteenth of the lands, when they are parcelled out

out for allotment. Probably, there are many lords of manors who would make over their rights completely to the Commissioners.

3346. In the case of commons within easy reach of London, the proportion allotted to the lord of the manor would be much more than one-fifteenth, would it not?—No, I think not. The soil of the common, though it belongs to the lord, he has no use for. Of course when it becomes building land everyone is looking to the soil and not to the surface.

3347. In the case of commons within easy reach of large towns, where the principal value of the land is for building purposes, does not the lord of the manor get the full building value?—No, the surveyors proceed upon the old principle, and give merely his proportion of the pasture value.

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3348. In such cases the commoners get the lion's share?—They do, and of course when they convert it from pasture into building land, they gain in a large proportion.

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3349. The interest of the commoners is to enclose?—It is; whilst the interest of the lord of the manor is, generally speaking, to refuse to enclose, unless the commoners make some more equitable division. In one instance that I know of the commoners have proposed to make a very different division with the lord of the manor, so as to encourage him to concur in an application for inclosing.

THOMAS ALCOCK, Esq., a Member of the House, called in; and further Examined.

3350. *Chairman.*] I THINK you wish to give some additional evidence?—I wish to say that my object in making the proposal is, that there shall be a chance of improving the present disgraceful state of all these commons, especially Banstead Downs. Some six or seven years ago I offered 50 acres as a site for Wellington College. His late Royal Highness Prince Albert, Lord Derby, the late Lord Herbert, and several others, went down with me to see it, and they were delighted with it, and with one voice said, "Let us have it." Lord Egmont, one of the copyholders, urged some difficulty, and in the meantime the site at Sandhurst was offered and accepted; and I believe that they have regretted it. If I were to make such an offer now, as a site for a public building, they would scorn to accept it, because the common is in such a disgraceful state. The railway has gone through a mile and a half of the common; the turf and much of the valuable mould have been taken away, because parties felt that there was no one to control them during the operations of the railway company. My chief object is, to improve the present condition of the waste, and, by consequence, the property which I hold all round it, to the extent of 2,000 acres.

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3351. Mr. *Torrens.*] Has no one the power to prevent individuals taking away the material?—I pay a bailiff about 40*l.* or 50*l.* a year, but it is idle to attempt to prevent it. There are some 300 or 400 men, with 50 or 100 carts, who have been working for the last two years for the railway contractors; and they would set at defiance the bailiff, or any one else. We are in a perfect state of anarchy.

3352. In some cases I understand that the power is exercised?—Yes, and in a general way my bailiff might demand, "Where is your authority," and I might get redress by applying to the magistrates. But when you have four or five or six hundred navvies to deal with, who are making a mile and a half of railway, it is hopeless to keep off trespassers.

3353. Mr. *Lyall.*] What is the revenue derived from the gravel?—I should suppose some 30*l.* or 40*l.* a year, and it costs some 40*l.* or 50*l.* to collect it; and therefore it is obvious that it is of no interest to me.

Vice Admiral WILLIAM ALEXANDER BAILLIE HAMILTON, called in; and Examined.

3354. *Chairman.*] I BELIEVE you reside at Blackheath?—I do.

3355. How long have you lived there?—Nineteen years. When I was at the Admiralty I was obliged to live in London, but I had a house at Blackheath. A house was lent to me for several years, and afterwards I became proprietor of a house adjoining.

3356. Have you any suggestion to make with reference to anything that ought to be done towards keeping Blackheath open and in proper condition. We understand that a great deal of gravel is dug there, and that inconvenience has arisen from that, and that further inconvenience arises from the mode in which the Heath is used by donkey-drivers and other persons in that condition of life?—I think I need not trouble the Committee with any further evidence upon the subject of the rapid destruction of Blackheath, and an important part of it. I understand that ample testimony has been received with reference to that. In any evidence that I may give, I should rather wish that it might tend to call attention to the question as to who is the proper party or authority to put a stop to this sort of thing; and (to give at once an answer to my own question) I cannot see how anything short of Parliament can deal with the matter. I believe it has been stated that application has been made to the Commissioner of Woods and Forests more than once, to put a stop to encroachments which were going on on his part of the Heath. I was a member of a deputation that waited upon him on the 29th of April 1863. That deputation consisted of the Rev. Mr. Soames, the Vicar of Greenwich; George Biddell Airy, Esq., Astronomer Royal; Mr. Charles Augustine Smith, Solicitor, of Croom's Hill, and myself. I confess that, although I was a member of that deputation, I felt that we were going on what is called a fool's errand; that Mr. Gore had no more power, so to speak, to yield to our representations than if any neighbour of any of the Crown farms had come forward and said, "I would rather that you laid out this farm as grass land instead of arable," or had asked him to give up the revenue of that farm. Mr. Gore, as I conceived he was bound to do, treated this as any other bit of Crown property; and, as we should say in the Navy, his instructions did not admit

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of generosity or philanthropy, or any of the objects that we came forward to urge. As I said, I thought it was a useless errand, but I did believe it advisable to put in an appearance, and let it be seen that this thing was not unobserved, and how disagreeable it was. I imagine that when the Crown property was given up to the State, for the equivalent that was provided, all that property was to be dealt with, and could only be dealt with, like any other public funds or State funds, by Parliament; and that if any part was to be given up, it must be given up according to the public wish. The Chancellor of the Exchequer might say, but he would only say it, I imagine, upon the representation of Parliament, "I will give up so much of this as goes to the Ways and Means, or to the Consolidated Fund;" but I consider that unless some legislative enactment is resorted to, by which certain open spaces within a certain distance of the metropolis are put into the hands of some commissioner or power to be dealt with, all these deputations or representations will be of no use. I think it is hard upon Mr. Gore that he should be considered as churlish or inattentive to the representations made to him; and therefore I only hope that out of this inquiry some course will be adopted which shall enable us to deal with these open spaces within a certain area of the metropolis, irrespective of their being Crown lands.

3357. You would have them placed in their hands, and you suggest that their duty shall be defined?—Quite so.

3358. And that the open spaces should be kept for the benefit of the public?—For the benefit of the public. I say it should be within a certain area of the metropolis, because we must recollect that the metropolitan circle, so to speak, is gradually and daily being altered. I have good opportunities of seeing that, living a short distance from London. The railways have entirely altered the suburban open spaces. As I passed the station this morning, I inquired what number of persons had gone down from London to Greenwich on Easter Monday and Tuesday, and I was told 13,000. That would be irrespective of steamboats and other means of conveyance. I was told that as many as 80,000 persons went down to Blackheath on those days. It is the same in every direction, whether Clapham or Wandsworth. We may look upon the metropolitan area, with respect to these open spaces, as totally changed, and therefore I say that certain portions of the Crown lands, such as Blackheath, should be transferred to some authority to deal with, other than they are now necessarily dealt with, by the Commissioner of Crown Lands.

3359. With regard to Blackheath, in a pecuniary point of view, so far as the Crown is concerned, is a very trifling matter, is it not?—I am not competent to say. I have heard that the amount is about 70*l.*

3360. You think it could not be more than 70*l.* a year?—I should think not; but the effect is the same whether it is 70*l.* or 7,000*l.*, it is doing away with the Heath.

3361. In what way do you propose it should be kept up; who is to pay for it?—With reference to what I said just now about the entire change in the metropolis on account of the railways, I consider that the whole *entourage* of London is altered. The Post Office limits include, I think, 12 or 13 miles. I believe the Board of Works has the power to tax to a very considerable distance. I feel that taxing, but still I wish they might extend their powers still further. I desire to see the Board of Works very much extended.

3362. You would have one general rate?—Yes; and not only with reference to this metropolis, as it is called, but I would have the metropolis established as it ought to be for this purpose under the management of the Board of Works.

3363. Does it suggest itself to your mind that any special advantage would be derived by persons who live in the immediate vicinity of Blackheath which would induce them to consent to a larger rate than is imposed upon the rest of the metropolis?—Naturally it would be so. There are many well-disposed people ready to be rated at a higher sum, but I do not think it would be just, nor do I see that the principle is sound. The open spaces do not regulate the locality in that way, and therefore they should be amalgamated.

3364. Have you ever given your attention to the subject of keeping Blackheath; for instance, how much it would cost to look after it, and keep it in a proper state?—I have never given my mind to it; but I consider that with such machinery as the Board of Works have, if they had the matter in hand, they are competent to find a surveyor, or a person who could in a week give an opinion. As regards the gravel-pits, I will take for instance Bournmouth, where gravel-pits abound; there, many of the worked out pits (with a margin sufficient on which to build a house) have been purchased at a small cost; the sides of the pits have been sloped, the bottoms levelled, and, now that ornamental gardening has become a science, they have made them into very beautiful gardens. Therefore, I think the Board of Works could easily get some one to say, "I will keep this in order for so much money."

3365. These gravel-pits are upon the Heath?—They are.

3366. You could not slope those gravel-pits down in that way to make them seemly?—You could slope them down to make them seemly.

3367. But then you get no return for them?—No, not at all; you cannot get any return from Blackheath.

3368. Mr. *Doulton.*] At the present moment there is no control exercised there; the police have no authority?—The police have no authority whatever, and are naturally unwilling to present themselves, at the risk of having their assumed authority set at defiance.

3369. Are there any common-keepers appointed by the Crown?—None whatever.

3370. Mr. *Shaw Lefevre.*] Do you know anything of Deptford Common?—There is no Deptford Common proper; there is a part of Deptford which formerly bore, and in fact still bears, the name of Deptford Green, but it is no open space.

3371. Has it been inclosed recently?—No; I doubt if it ever was common land.

Professor GEORGE BIDDELL AIRY, called in; and Examined.

Professor *G. B. Airy.*

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3372. *Chairman.*] WE all know that you are the Astronomer Royal?—Yes.

3373. And you reside at Greenwich Park?—At the Royal Observatory, Greenwich Park.

3374. How long have you resided there?—For more than 29 years.

3375. Then you have had ample opportunity of observing what has been done with Blackheath?—Yes.

3376. You can see Blackheath from your residence?—I cannot see Blackheath from the Observatory, but I walk over it every day.

3377. We understand that you were one of the deputation to Mr. Gore?—Yes.

3378. Do you agree with the view of Admiral Hamilton with regard to the efficacy of that visit to Mr. Gore, that it was almost useless, as he had not, in point of fact, the power to deal with Blackheath in the way you suggested to him?—As far as we could ascertain, there was no power; and also, I think, no inclination. The profit of about 70*l.* a year in working the gravel was set against the desirability of preserving the Heath.

3379. Mr. Gore merely looked to Blackheath with a view to the gravel digging?—Yes, as a productive part of the Crown estate.

3380. Upon the principle that every little helps, he considers 70*l.* a year of importance?—Yes: a man in office must think so.

3381. Now, supposing there were some one who could deal with it, what would you suggest should be done in order to get rid of the inconveniences which at present exist with respect to the gravel, and the mode in which the Heath is used?—I would say, in the first instance, and this is the principal thing that I have to say, that I set a very great value upon Blackheath as a place of amusement for the public; it is at an easy distance from London; and its easy accessibility, and the dry character of the ground, to which I know nothing similar, make it a place of exceeding value, and the public take advantage of it, as far as they can, to an enormous extent. The number of persons who were there on the late Easter fair exceeded any assemblage I ever saw. I have no means of ascertaining the number, but it appeared that there were scores of acres densely covered with people.

3382. Do you recollect Blackheath when Greenwich Fair was held?—Yes.

3383. When was that fair given up?—I should think about 20 years ago, or perhaps not quite so much as that; but the suppression of Greenwich Fair did not make much difference to Blackheath.

3384. Do you consider that there are more persons take recreation there now than there ever have been before?—Yes, I think so. Numbers collected there before the suburban Railways came into operation. Then, when they came by the steamboats, the number was very large, almost equal to what it is now; after the suburban Railways came into operation, it diminished; but since that time it has increased again, and it is now very large.

3385. Are the numbers as large now as they ever were, or larger?—I should think larger.

3386. Of course if this were vested in anybody who had the charge of it, it could not be done without expense; how do you propose that that money should be obtained?—It would be necessary to examine very carefully the state of the ground, and see what was required to be done; but it is worked in a manner which makes it exceedingly inconvenient, and exceedingly difficult to repair the gravel pits; they are worked in perpendicular holes, some of which come very near to the footpaths, and apparently if that state of things goes on, there will soon be no safe footpaths across the heath. These pits are worked so perpendicularly as to be dangerous to the public, and at present there is no such thing as walking over them, they are like a cliff on one side. This is an inconvenience which is felt not only by the London frequenters of the place, but also by the inhabitants; for it is necessary in steering your way across Blackheath to calculate the position of these pits.

3387. My question was, what suggestion would you make as to where the funds were to be got for this purpose. Would the inhabitants of Blackheath, do you think, consent to a rate?—Until the question has been put to them, I would hardly undertake to say; I should think they would; but there are two parties, quite distinct, who have a great interest in this common; one is the residents surrounding Blackheath, and the other the commonalty of London.

3388. If the inhabitants of Blackheath chose to come to the decision that they would be at the expense of putting Blackheath in a proper state, and keeping it up afterwards, and they made that suggestion to Mr. Gore, do you not think that there might be a probability that the Government would give up their 70*l.* a year?—I think I should rely on the generosity of the Government to that extent.

3389. Mr. *Doulton.*] I merely wish to ask you whether you are of the same opinion as the other witnesses, as to the disgraceful state of the heath at present?—As to the earthwork, I am of that opinion; it is very inconvenient for the persons walking over it.

3390. And it is getting worse by the indiscriminate digging of the gravel?—It is almost entirely by that; the heath itself is naturally almost a plain, with very gentle undulations.

3391. Mr. *Shaw Lefevre.*] Have there been any encroachments on the common since you have been there?—Not since I have been resident there but there was at one time a fear of one on what is called Talbot-place; a large space of ground was inclosed by the builders, and the whole parish was up in arms immediately, but the principal persons called on the builders, and at last it was explained that the inclosure made was simply a hoarding for the purpose of building, and an assurance was given that no ground should be taken; I believe that none was, and I do not believe that there has been an encroachment of a yard upon Blackheath.

3392. It was not proposed to inclose any for the purposes of building?—No.

3393. Were any legal proceedings taken to put a stop to it?—No, it was not necessary; the representations of the vicar and the principal inhabitants of the parish, received sufficient attention to prevent the necessity of it.

3394. Mr. *Kinnaird.*] Was that hoarding at once taken down, or was it allowed to remain, on

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that distinct assurance?—The hoarding was taken down when the building was completed.

3395. That demonstration had very good effect in preventing an attempt at encroachment, and no attempt has been made since?—No attempt has been made since, as far as I know.

3396. Were you one of the deputation that waited on Mr. Gore?—Yes, I was.

3397. I think you used the expression that there was no inclination on his part to meet the wishes of the inhabitants?—The consideration of the gain of 70 *l.* a year seemed to weigh with him.

3398. Did the deputation represent to him the great discomfort it was to the inhabitants and the people round generally?—I think that was represented generally.

3399. And he did not seem to take any notice of that?—Apparently Mr. Gore thought that he was not competent to enter much into it.

3400. That he could not entertain the question?—Yes.

3401. That the Department was not competent to deal with it?—That was my impression.

The Hon. CHARLES GORE, called in; and Examined.

Hon. *C. Gore.*

3402. *Chairman.*] HAVE you heard the evidence with respect to Blackheath?—Part of it.

3403. Have you heard the evidence that has been given with respect to digging the gravel?—No; I have only been here about 10 minutes.

3404. We understand that a deputation waited upon you in the year 1863, with respect to the state of Blackheath, to ask you whether you could remedy the inconvenience which existed with regard to the digging of this gravel; and we understand that the digging and taking of this gravel is let to some person for 70 *l.* a year?—The person who digs the gravel pays a royalty to the Crown.

3405. For what he takes?—Yes.

3406. What does that amount to?—I think upon an average, taking the last 10 years, to 56 *l.* a year; it is a shilling a yard.

3407. It amounts to 56 *l.* a year, and you say it has done so for the last 10 years?—Yes.

3408. Is that the only sum of money which the Crown derives from Blackheath?—Yes.

3409. That is all?—There are no profits from the manor other than that.

3410. That is hardly worth the consideration of the Crown, is it?—The Committee must bear in mind that I am trustee for the Crown and the public in the management of the Crown revenues.

3411. In fact you have no power to deal with them?—I have no right to give up a source of revenue.

3412. That 56 *l.* a year is all, you say, that the Crown gets from that?—Yes, except a few very small rents; there is one from a photographer who has a stand there; that is really to prevent these persons from acquiring rights by placing buildings upon the waste of the manor, and as an acknowledgment of the rights of the Crown.

3413. Does the Crown keep any common-keeper there?—No.

3414. Nobody at all?—No.

3415. It leaves it to the police, who we are told have no authority whatever over Blackheath to look after Blackheath along with the rest of the neighbourhood; it has nobody special of its own?—Mr. Clutton, the receiver of the Crown rents, is responsible for encroachments on the small part of the heath, of which the soil belongs to the Crown. He has no authority whatever over the greater portion of the heath.

3416. What I asked was whether anybody was employed to look after the common at all?—It is Mr. Clutton's duty to see that no injury is done to the rights of the Crown in the common. It is not his duty to protect the rights of private persons, or to look after the part of the common in which the Crown has no property.

3417. Mr. *Doulton.*] I understand that your sole duty is to get as much out of it as you can for the Crown?—Yes, fairly. The Crown, as the owner of the soil of part of the heath, is entitled to the gravel in that part, and the public is entitled to receive the royalty during the life of the Sovereign.

3418. But we have it in evidence that great injury has been done to the common by the digging of the gravel?—That has been not only on the part of the common over which the Crown has rights, but over the whole of the common, and I believe it has been carried on for a great number of years.

3419. We have it in evidence that the other lord, Lord Dartmouth, on account of the injury done to the common by digging the gravel, has abandoned it?—That may be, but at the same time a great portion of the common, of which Lord Dartmouth is lord, has been dug over for gravel, and there are very considerable indentations from the quantity of gravel which has been taken out.

3420. We have it in evidence, that at the present time even the footpaths of Blackheath have been materially injured by the digging of gravel by the Crown?—The only part of Blackheath where the Crown gravel pits, from which gravel is taken, are, is shown upon this plan, and is coloured green, and I am not aware that there is any footpath at that part.

3421. That is the evidence which we have had?—I do not think there are any footpaths at that part.

3422. Who determines the value which is given for the right to dig gravel?—Mr. Clutton would advise as to the amount that it would be fair to require from the person digging the gravel.

3423. Then the person digging the gravel has the right or power to sell for what he pleases?—The person digging the gravel sells that gravel to other persons, at such a profit, I suppose, as he may arrange.

3424. Who receives the sums given for the right to place sand upon the roads, and different parts of the heath; there are large plots, I think, called laystalls, where the sand and gravel from the roads is deposited?—I am not aware that that occurs in any part of the common in which the Crown is interested. Perhaps it is some other part.

3425. Can Mr. Clutton answer that question?—I dare say he can.

3426. Are there any other sources of revenue to the Crown?—None.

3427. The amount of revenue derived from the gravel is estimated, I think you said, at 56 *l.* a year?

a year?—I find by the average of the last 10 years that it amounts to about 56 *l.*

3428. From the gravel alone?—Yes.

3429. And what from other sources?—I think there are no other sources of revenue.

3430. There is a source of revenue, is there not, from the depositing of this sand, and also from the erection of photographic booths?—A few shillings a year, to prevent any right being acquired as against the rights of the Crown.

3431. Then, is the evidence given to us, in the main, correct, that the revenue derived by the Crown from Blackheath is a sum of about 70 *l.* a year?—I have stated, that during the last 10 years the sum derived from the gravel amounted to about 56 *l.* a year, and I believe a few shillings are derived from other sources; 1 *l.* is paid by the photographer who has a photographic building at the park gates; and I believe the Blackheath Improvement Association have put up some posts and rails to prevent nuisances, for which they pay an acknowledgment of about 4 *s.* 6 *d.* a year; and I believe the man who digs the gravel pays 1 *l.* a year for two sheds to keep his tools in.

3432. Then the evidence is correct, that 70 *l.* a year is the maximum sum received by the Crown?—Yes. That is the maximum received by the public.

3433. Do you know Blackheath, and have you seen it lately?—Yes.

3434. Is your opinion the same as that of the other witnesses, that it has been very much injured by the digging of gravel?—Yes, I think so; but you must be aware that besides this proportion of the gravel digging, for which this royalty is paid to the public revenue, the parochial authorities of Greenwich and the trustees of the New Cross Turnpike Roads claim a right to dig the gravel for purposes of their own.

3435. Then although the heath is very much injured by the gravel digging, you think it is your duty, acting for the Crown, to sanction the digging of it for 60 *l.* a year?—I consider, as a trustee for the Crown and the public, I have no right to give up a source of revenue that I found in existence when I became such trustee.

3436. And that it is not part of your duty to consider that at all?—That it is not part of my duty to give up any part of the revenues belonging to the public of the United Kingdom, for any such local or other purpose, however beneficial that purpose may be in itself.

3437. *Chairman.*] Do you not consider it in the nature of committing waste to dig all these holes in Blackheath?—No, I do not.

3438. Mr. *Tollemache.*] I gather from what you say that a great deal of damage to Blackheath is caused by the parochial authorities digging gravel, as well as by this person who pays this sum to the Crown?—Quite so.

3439. Therefore all the damage is not done by this person?—I think the smaller proportion of the gravel digging is that from which the public derives any revenue; the larger portion is taken for the reparation of the roads by the parish authorities, from which the public derives no revenue at all; that is derived only from the gravel dug, for which a royalty is paid to the public revenue; and I imagine that no benefit whatever to the general public would be gained by the Crown ceasing to allow gravel to be dug, because the parish, or those who claim a right to dig gravel, would dig these holes which are stated to be injurious to the recreation of the public of the metropolis.

3440. Therefore, supposing you gave up this 60 *l.* or 70 *l.* a year, still there are other parties who claim and exercise a right of doing that which disfigures the heath?—Yes.

3441. You consider yourself, in fact, in the position of a trustee, and that you are as responsible to the Crown as any other trustee would be for any property which he has in trust?—Yes, to the Crown and the public.

3442. And you therefore consider that you have no power to interfere with that which brings in a certain revenue to the Crown?—That is so.

3443. The only way in which you can be relieved of that trust is by applying to Parliament?—Either by Parliament or by the Metropolitan Board of Works, or some other body who are interested in the matter, and whose special duty it is to look after the recreation of the public, taking the steps necessary to maintain these open spaces round London in a way that would be most beneficial to them.

3444. Do you think, therefore, that some arrangement of that kind could be made, for the Crown receiving compensation, without the necessity of an Act of Parliament?—Yes, I should think so.

3445. Mr. *Peacocke.*] I apprehend that your position is this: you consider yourself bound, like the steward of any estate, to obtain as much revenue for the Crown as you can?—Yes, for the Crown and for the public.

3446. And if any diminution of that revenue is required for the public interest, you cannot do it except with the sanction of the Treasury?—Not without the fair compensation that the abandonment of the property required entails.

3447. As I understand your department, you act under the directions of the Treasury?—Yes.

3448. And if in the interest of the public, any diminution of the revenue of your department was required, you would require, I presume, the direction, or at all events, the sanction of the Treasury, would you not?—Provided that the direction of the Treasury did not interfere with the Acts of Parliament which regulate the revenues of the Crown. Those Acts do not empower the Treasury to authorise the surrender, without compensation, for the recreation of the public of the metropolis, of any part of the Crown property in my charge.

3449. I assume, of course, that the direction of the Treasury is legal?—Yes.

3450. Any such application, then, must be made to the Treasury?—The Treasury have the power to put a veto on any proposal made, or to accept of a proposal made, but it rarely originates with the Treasury.

3451. But it would be referred to them?—Any arrangement made would be referred to them for approval.

3452. So that in short the final decision would rest with them?—Yes.

3453. Sir *John Shelley.*] In the event of any compromise being come to, such, for instance, as that the Metropolitan Board of Works should by Act of Parliament have the right of ruling these open spaces, do you think that the Crown would, in all probability, be willing to come to any compromise, and would scarcely lay a claim to such a trifle as this, or at any rate would not

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throw difficulties in the way of an Act of Parliament being obtained, whereby the Metropolitan Board of Works should have the power of taking these open spaces into their own hands and managing them?—Yes, I think so.

3454. Mr. *Kinnaird.*] Have you any report to your office from Mr. Clutton, or a plan recommending what parts should be dug and what should not be dug?—Yes.

3455. As trustee or steward for the Crown having the management of this, when the agreements are made for digging the gravel, I suppose you get a report from Mr. Clutton, the paid surveyor, that it is desirable that it should be dug, and in what way and what place it should be dug, in the interests of the Crown?—It is 45 years ago since the gravel was first began to be dug in the Crown waste at Blackheath, and the digging that has taken place from that time to the present has been in the portions fixed upon then.

3456. Do you ever require a survey to be made to see how far the digging which is said to be so inconvenient has progressed?—Every year I have a report of the extent to which the gravel has been taken.

3457. Can we have one or two of those reports put in evidence?—I have not any report here.

3458. But you can put in, I suppose, any document which is in the office, showing what parts are sanctioned, and what parts are not?—I do not know whether I could put in a report of that description.

3459. During the last 30 years, is there no written report in the office as to the digging of gravel?—Every year the extent of the gravel dug is reported by Mr. Clutton.

3460. Without reference to the place, or without reference to the convenience of the public?—With reference to the fact that it is upon the Crown property.

3461. Then there is nobody whose duty it is to report as to whether it destroys the features of the common, and whether one locality might not be more convenient than another?—No.

3462. For that purpose, you have no such report in your office from Mr. Clutton?—The portion of the common from which the gravel is taken, was considered by the Commissioners of Woods, many years ago, as the proper portion of the common from which it might be taken with the least injury to the Crown property.

3463. You were not in office then, of course?—No.

3464. And, consequently, you have ordered no re-survey of this to see what is the extent of the injury that has been done to the common?—Mr. Clutton would report if gravel could be taken more conveniently from any other portion of the Crown waste than at the place from which the gravel is now taken.

3465. Are the reports made in writing?—Every year Mr. Clutton makes a report as to the property in charge of the Crown.

3466. Could you put in extracts from the reports of the last few years with respect to the digging of gravel on Blackheath?—Yes, I will look at his reports.

3467. The last time the Committee met, it was stated that there was a footpath in great danger of being undermined, which path was very much in use on the common; has your attention been drawn to that?—On this part of the common over which the Crown exercises its right?

3468. That is what was stated?—Because there are several gravel pits on other parts where the Crown has no control, and where gravel pits have been dug to a very great depth, not very far from the Crown waste; I am not aware that there is any footpath which passes through the property of the Crown which is being endangered by the digging of gravel.

3469. Have you ever inquired from Mr. Clutton whether the plan which is invariably adopted in public parks where gravel is taken, of refilling the places from which it is taken, could be adopted here; since the deputation in 1863, have you ever taken any opinion from Mr. Clutton as to whether arrangements of that kind could not be made, as in Hyde Park, where anybody can see it at this moment, where an agreement is made with the party taking the gravel, that as the gravel is removed, he is to replace it with other soil, so that the surface is not injured, and still the same good is obtained?—That has been done in the part in which the Crown is interested at Blackheath.

3470. You do require in the agreement that as they take the gravel they shall fill up the space?—Yes, and keep the surface level.

3471. That has been done?—That has been done.

3472. All along?—Yes.

3473. *Chairman.*] That is, I suppose, you told them to do it, but have they done it?—Yes, they have done it; we order them to make the surface level where they dig the gravel.

3474. Mr. *Kinnaird.*] Do they fill it up with other soil, as it is done in Hyde Park, where the surface remains exactly the same as it was before?—The taking away of the gravel takes away a certain depth of the soil, and they level it, but it is at a lower level than it was before.

3475. *Chairman.*] They do not fill up the hole?—No, they do not fill up the hole.

3476. Mr. *Kinnaird.*] Has it never occurred to you that in a great public green like this it would be advantageous to adopt that plan, to agree with whoever enters into the contract that as it is dug so shall they fill it up?—I do not think it would be possible for them to fill it up entirely. I do not think they could get a sufficient quantity of soil.

3477. Has Mr. Clutton ever been instructed to see whether that could be done?—Mr. Clutton, I believe, is going to be examined, therefore he will be able to tell you.

3478. Is Mr. Clutton a paid officer of the Crown, for the purpose of looking after Blackheath as one of his duties?—Yes.

3479. Is he paid by a regular salary?—No; he is paid a per-centage on the rents received.

3480. Then he would get a per-centage from the digging of this gravel?—Yes.

3481. Do you really think that it would not be part of your duty as trustee for the Crown to see, in addition to the mere fact of getting a trifling revenue like 56*l.*, that the comforts of the people are not interfered with in this respect?—I do not see what right I have to forego the public revenue that is derived from Crown lands for any such local purpose, however beneficial that purpose in itself may be.

3482. Do you not think that anybody in the management of an estate should exercise a discretion as to whether a thing, although it may bring in a temporary revenue, may not be a permanent injury, and if this should be a permanent injury,

injury, which it is to the great mass of the people in their enjoyment of the common, do you feel that you have no power to waive a little rent of that sort, which is a mere trifle, for the sake of the great convenience of thousands of people?—By the Acts which regulate the management of the Crown lands, the Commissioners of Woods are restrained from appropriating any part of the public revenue received by them, towards the formation or embellishment of public parks or similar open spaces; in the present instance, you must bear in mind that the inhabitants would suffer as much from the gravel being taken by the parish authorities for the reparation of the roads. The parish authorities take it from this very same gravel pit.

3483. *Chairman.*] But that would be only the gravel taking of the parish authorities; then yours is in addition?—The Road Trustees claim a right to take, and do actually take it; the Road Trustees take a much larger portion than is taken on behalf of the Crown, therefore, so far as the inequalities of the surface go, they would be quite as great as they are now

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3484. Mr. *Shaw Lefevre.*] Is there a lease of a portion of this common to this person for digging gravel?—No; he pays a royalty.

3485. Then it would not be necessary to compensate this man for any rights that he has acquired?—No.

3486. Has the Crown much property in the neighbourhood except Greenwich Park?—None.

3487. There is no building land?—No.

3488. Do the woods which are between Greenwich and Plumstead, which have been called "The Crown Woods," belong to the Crown?—No, I think not.

Mr. John Clutton, called in; and Examined.

3489. *Chairman.*] What is your office?—I am Receiver of the Crown Rents for the County of Kent.

3490. What are the duties of your office as regards Blackheath?—I have to see that no encroachments are made on the Crown property.

3491. In what do you consider the performance of those duties consists?—In seeing that nobody encroaches on the property, and in seeing it realises what may be called a reasonable sum for the public revenue.

3492. Is there any absolute necessity for taking this gravel at Blackheath for Crown purposes?—The parish have exercised a right for a great number of years of taking gravel.

3493. But we understand that you allow a certain portion to be taken out by some one else, besides the parish?—The man who digs this gravel, digs it partly for the Trustees of the Roads, partly for the parish of Greenwich and for other parishes, and a portion for sale.

3494. Is the portion which he digs for sale what he pays you for?—That is what he pays me for, and the parties pay him for the digging of it.

3495. Then the other portion is taken out for the roads connected with the parish?—The parish of Greenwich and the trustees of the roads are the only parties who take it without payment. There are three other parishes who afterwards came in and claimed to have a right, but not being in the parish in which the pits were, we resisted their taking it without payment, and they now pay as other parties do.

3496. They have no right to take it, but you sell it to them?—Yes.

3497. In point of fact all that the Crown sanctions being taken in Blackheath is sold by the Crown to the parties who take it?—That is so.

3498. And it has for the last 10 years amounted to 56 *l.* a-year upon an average?—That is all.

3499. Then the whole of the money that is received by the Crown from Blackheath, as I calculate it, amounts to 58 *l.* 4 *s.* 6 *d.*?—That is all.

3500. That is the only beneficial interest which the Crown has?—Yes. Those small rents are merely charged to prevent anybody acquiring a right upon that ground.

3501. Then, in point of fact, the sum of 56 *l.* represents all the beneficial interest, namely, the gravel?—Yes; and there is no charge upon that excepting that I am paid 4 per cent.

Mr. *J. Clutton.*

3502. You deduct, then, a little more than 2 *l.* out of the 56 *l.*?—Yes, about 2 *l.* 2 *s.*

3503. Mr. *Doulton.*] Is it with your sanction that the gravel is taken from the roads and deposited on the heath?—There is no gravel taken from the roads and deposited on the heath; the parish and the trustees put heaps of gravel on the sides of the roads.

3504. What do they pay for the right of depositing those heaps?—I think either 1 *l.* or 1 *s.*; it is merely that they may not acquire any right without payment.

3505. *Chairman.*] Where is this gravel taken from; is it all from the same part?—Yes; it is all the same part. It is the only place that the Crown has.

3506. How has the place ever been filled up at all from which the gravel has been taken?—We have kept the whole of the bottom level as far as we can.

3507. We have been told that the sides are perfectly perpendicular?—Where they are digging only. I have had the sides levelled down as far as I can. Of course the face must be perpendicular, but where that perpendicular is I have had a fence put round, to prevent the public from getting into it.

3508. Sir *John Shelley.*] Supposing a compromise were to be come to, and the Crown insisted upon payment, what would be the sort of price, taking the average receipts, that would be taken. Would it be anything like 30 years' purchase?—It would be taken according to the quantity remaining to be worked, and the period which it would require to work it out.

3509. That would be upon something like 56 *l.* a-year?—Between 50 *l.* and 60 *l.* a-year. But perhaps you should understand that we do not usually take it at the annual value, but upon the quantities that have to be worked, and the period over which it would be worked; we should not take it at any number of years' purchase but the value per acre.

3510. Have you any idea what quantity is still left within your boundary?—No; it is not a large quantity.

3511. So that, in all probability, the sum to pay would not be large?—About 1,200 *l.* or 1,500 *l.*

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3512. Mr. *Shaw Lefevre.*] Is there any restriction to the quantity this man may take away in a year?—None at all.

3513. Are there any common rights existing over that part of the common which belongs to the Crown?—I believe some people in the parish of Greenwich claim rights of pasturage over all the waste in the manor; the Crown has no claim, except rights of soil.

3514. Are any cattle turned out?—There are cattle, but to whom they belong we do not inquire.

3515. Does the manor belong to the Crown?—Yes.

3516. Is it a copyhold manor?—No, there are no tenements held that I am aware of.

3517. *Chairman.*] Are you of opinion with Mr. Gore, that it would be desirable to place such spaces as this under the jurisdiction of the Metropolitan Board of Works?—I should think so, the parties being properly compensated.

3518. Mr. *Lyall.*] I suppose the expenses attending the keeping them as open spaces would be paid by the Metropolitan Board of Works?—I should think so. Blackheath requires great improvement. There are pits, not in the Crown property, twice as deep as ours; the pits outside the boundary are exceedingly badly worked: ours have been very well worked.

3519. Besides Lord Dartmouth and the Crown, there is another portion of the common of which Sir Gregory Page Turner is Lord of the Manor?—Yes.

3520. How much is that?—I do not know.

3521. Are there gravel pits on his portion of the common?—The whole of those have been dug over, and they are very deep.

3522. Do you consider that these pits are dangerous to the public?—Yes.

3523. Mr. *Torrens.*] Are your duties confined to the county of Kent?—No.

3524. Have you any other duties under the Woods and Forests?—Yes.

3525. In Epping Forest?—No, I have nothing to do with Epping; I am particularly engaged in the Land Revenue Department in Essex.

Mr. Frederick James Clarke, called in; and Examined.

Mr. *F. J. Clarke.*

3526. *Chairman.*] I believe you have a document you wish to produce?—Sir John Shelley asked me, when I was before the Committee last Thursday, if I would give him a return of the produce of Hampstead Heath for the last three years. I have had it extracted from the books, and I find that in the year 1863 the sand produced 183 *l.* 3 *s.* 2 *d.*; that the donkeys, horses, linen-posts, vans, &c., produced 15 *l.*; the acknowledgments 14 *l.*; and the timber 72 *l.* 1 *s.* 10 *d.*, making, for the year 1863, a total of 284 *l.* 5 *s.* For the year 1864, the sand produced 194 *l.* 7 *s.*; the donkeys, horses, linen-posts, vans, &c., 15 *l.*; and the acknowledgments 14 *l.*, making, for the year 1864, a total of 223 *l.* 7 *s.* For the four months of 1865, the sand is taken at 85 *l.* 4 *s.*; the timber, 43 *l.*, and the acknowledgments, 10 *l.*, making a total of 138 *l.* 4 *s.*, which, if multiplied by three, would give a total for the year of 414 *l.* 12 *s.*

3527. That comprises the whole?—That comprises the receipts for those periods.

3528. Mr. *Shaw Lefevre.*] What do you include under the word "acknowledgments"?—Those acknowledgments are paid for small pieces of land which were granted in this way: there are hedges which form the boundaries of the gardens of several gentlemen's residences on the heath, and the donkeys and horses used to destroy them, therefore we allowed a post-and-rail fence to be built outside for their protection, and for that they pay acknowledgments of from 1 *s.* to 5 *s.*

3529. Those charges do not include charges made for persons going on the heath?—Only for the vans, horses, and donkeys, and also for the cricket clubs.

3530. But not for any inclosed space?—Except in the case of the cricket club; they have an inclosed space.

3531. They are not for the playing of games in the open part?—They are not.

3531.* Sir *John Shelley.*] Have you had any correspondence with Sir Thomas Wilson on the question that I put to you on Thursday last?—No, I have not; because after leaving this Committee I was informed of the motion to be brought by Mr. Doulton before the Metropolitan Board of Works on Friday last; pending that I did not feel justified in doing so.

Vice Admiral William Alexander Baillie Hamilton, recalled; and Examined.

Vice Admiral *W. A. B. Hamilton.*

3532. *Chairman.*] You have, I believe, a letter received from Mr. Gore, in answer to your application?—Not my application; it was in answer to the appeal or remonstrance of the Blackheath Improvement Association.

3533. Have you got a copy of the letter, and the answer?—Yes.

3534. Will you put them in?—Yes.

Mr. David Potter, called in; and Examined.

Mr. *D. Potter.*

3535. *Chairman.*] What are you?—A common-keeper of Clapham Common.

3536. What is it that you produce?—A plan of Clapham Common. (*The Witness handed in the same.*)

Mr. John Peter Gassiot, called in; and Examined.

Mr. *J. P. Gassiott.*

3537. *Chairman.*] Where do you reside?—At Clapham Common.

3538. Are you a magistrate for the county of Surrey?—I am.

3539. How long have you resided at Clapham Common?—Ever since the year 1836.

3540. Mr. *Doulton.*] Of how many acres does Clapham Common consist?—Upwards of 200; the

the larger portion of it being in Clapham, and the remainder in Battersea parish.

3541. Who are the lords of the manor?—Colonel Bowyer is the lord of the manor of Clapham, and Earl Spencer the lord of the manor of Battersea.

3542. I think you stated that you have resided in the neighbourhood since 1836?—I have resided on the common since 1836.

3543. What was the state of the common when you first resided upon it?—It was in a most disgraceful state for want of drainage; it was full of stagnant pools where places had been dug for gravel, and altogether it was in a most deplorable condition.

3544. In conjunction with some of the other inhabitants, did you take any means to remedy that?—A meeting of the neighbourhood took place, five gentlemen living on the common obtained leases from the lords of the manor, and raised a very considerable sum of money for the purpose of draining and improving the common. A lease from the lord of the manor at Clapham was obtained at a rental of 45 *l.* a-year, and one from Earl Spencer for Battersea at a rental of 20 *l.* a-year.

3545. Have those leases been allowed to run out?—No; the leases were for 21 years respectively; and I think in 1849 we applied to have the old leases cancelled, and fresh leases were granted to 21 of the inhabitants upon the same rentals. I may state that the lord of the manor of Clapham subscribes ten guineas a year towards the reparation of the common.

3546. That is Colonel Bowyer?—Yes; and he has also from time to time given larger sums; last year he gave the whole of the rental. Earl Spencer during the first lease gave back his rental of 20 *l.* as a gift; but since the lease of 1849 was granted he has declined doing so, and we have paid him the 20 *l.* a-year ever since. Last year an application was made for a renewal of the leases, Colonel Bowyer granted his on the same terms to 35 of the inhabitants; but on Saturday last we received an intimation from Earl Spencer's solicitor that they would expect an increased rent for the Battersea portion.

3547. Then at the present time you have a lease for the greater portion of it from Colonel Bowyer?—We have a lease for 21 years from Colonel Bowyer for the larger portion, and we have a lease for the other portion from Earl Spencer, which expires in 1870.

3548. What are the relative holdings?—I am told that there is great difficulty in defining where the line of demarcation takes place and where the boundaries commence, but it is pretty well understood that by far the smaller portion is Earl Spencer's.

3549. When the common was placed in something like decent order in 1836 what expense was incurred?—In 1836, 965 *l.*, was contributed, and 752 *l.* was expended in draining and filling up the gravel pits. That sum was raised by subscription among the inhabitants of the common. In 1839, three years afterwards, 387 *l.* were received from annual subscriptions, and 375 *l.* expended. During the nine following years the annual subscriptions averaged about 182 *l.*, and the expenditure was nearly the same; we had expended considerable sums previously in draining, and therefore we did not require so large a subscription. In 1849, when the leases were renewed, 520 *l.* was expended; the annual subscription then gradually fell off until 1864, when the last lease from Colonel Bowyer was obtained, and at that time 289 *l.* 0 *s.* 6 *d.* were received as donations; 278 *l.* 2 *s.* 6 *d.* for annual subscriptions, and 150 *l.* 8 *s.* for planting. Exclusive of this, 42 of the inhabitants last year signed an agreement to pay, rateably as to the value of their houses and lands, the expense of opposing the formation of a railway across the common; a sum of money was also immediately subscribed, but the proposition having been abandoned, the balance was handed to the lessees, and appears in the annual accounts. One of the special duties which the lessees feel they have to perform is not only to protect the rights of the lord of the manor, but also to take care that the rights of the inhabitants are not infringed; because the lord of the manor of Clapham holding much property in the neighbourhood, we watch very carefully every infringement of the lord of the manor's tenants. There is a common keeper appointed, to whom we pay 23 shillings a week; there is a committee appointed who view the common from time to time, and I need not say that it is admitted, not only by the inhabitants, but by the people who frequent the common that is kept in a very excellent condition. Recently we had occasion to see Sir Richard Mayne with respect to the police, for we felt that we had not got that protection which we were entitled to, considering the money we were paying, but Sir Richard Mayne considered that he had only a right to protect the roads, and not the common itself; we had, subsequently, an interview with Sir George Grey, who received us very kindly, and I think since then we have had no great cause of complaint; taking it altogether, I think the police have done all that they can.

3550. With the control which the police exercise, do you find one common keeper sufficient?—It is so, if the police will only continue to walk on the common now and then; of course some parts of its are very retired.

3551. What games are played on the common?—Cricket, and the Volunteers come and exercise on the common; the young gentlemen of the neighbourhood find it so much used, that they have got a private cricket ground; but a great many cricket clubs come there.

3552. There are some donkeys there, are there not?—Now and then, but not to any extent: our common keeper prevents them from being any great nuisance; but on such days as Good Friday and Easter Monday, it is much frequented.

3553. But not to cause an annoyance?—At times a little annoyance will take place, but nothing of importance.

3554. Has there been any attempt to lay any part of it out as a garden?—No, there has been no attempt to beautify it; the trees are very magnificent, and the gorse on the common is a very fine sight.

3555. It is kept in a wild state?—Quite in a state of nature.

3556. And there are no fences?—None.

3557. Mr. *Tollemache.*] Have you ever been threatened with any enclosures?—No, the greatest threat we have had was the railroad.

3558. Do you think you have powers to prevent them?—Well, the lord of the manor has great powers, and no attempts at enclosure have hitherto succeeded.

3559. The two lords of the manor are Colonel Bowyer and Lord Spencer?—Yes.

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3560. Supposing they were succeeded by lords of the manor who wished to inclose, or to sell, or to dig gravel, if there is any there, have you power to prevent them doing so?—We were so afraid of that, that acting under the advice of many of our friends, we have always claimed a renewal of the lease long before it expired.

3561. What period is the lease for?—For 21 years; and generally at the end of 14, we claim a renewal for another 21.

3562. But supposing the lords of the manor chose to make these commons profitable, you would then be reduced to your rights?—I doubt whether Lord Spencer could make it profitable, but Colonel Bowyer, who has large property, in the neighbourhood, and whose brother is the rector of Clapham, might do so.

3563. I suppose if he were succeeded by one who was that way inclined, he might give some trouble?—I have no doubt of it.

3564. Therefore, I suppose, you are hardly satisfied with that state of things?—No.

3565. And you would like to have some protection?—Yes.

3566. Mr. *Doulton.*] Although at the present time you have no fresh lease from Lord Spencer, you are under the assurance that one will be granted?—His Lordship was abroad when we applied, but it is believed that he will grant a lease.

3567. When does the lease which you have from Earl Spencer expire?—In 1870.

3568. And the other lease was renewed only last year?—Only last year.

3569. Mr. *Peacocke.*] Are there any common rights over this common?—I believe the solicitor of the lord of the manor is present, who can give you better information than I can upon that subject, but I believe that the common rights are those of the freeholders, who have a right to turn out cattle, and not the copyholders.

3570. There are persons having that right?—Yes, the freeholders.

3571. Then you have to take this lease subject to those rights?—Of course.

3572. Do they turn out their cattle now?—Now and then, but very little.

3573. There are cattle at times on the common?—Not cattle, but now and then sheep; the butchers in the neighbourhood turn out sheep, but whether they are freeholders, or not, we do not inquire.

3574. But it is generally believed that the freeholders of the manor have a right of turning out over the common?—The freeholders of the manor believe so, and they have always maintained it as one of their rights, but whether they have the right or not, I do not know, it is only a general report.

3575. Has anybody a right of cutting furze on the common?—No one but the lord of the manor, or of digging up turf, or digging gravel.

3576. Mr. *Lyall.*] What is the exact cost of keeping up this common?—I think about 187 *l.* a year; of course, it gradually keeps going down by degrees until something else sends it up; but the present annual subscription is about 270 *l.*

3577. Supposing the Metropolitan Board of Works were to undertake the control of these wastes, would you expect them to find the money for keeping them in order?—If they had the control they would probably have to pay for it, but it would then be a question under whose charge the common would be.

3578. *Chairman.*] Can you say how many subscribers there are?—About 140.

3579. Mr. *Shaw Lefevre.*] Is the whole common within one manor?—No, a small part of it is in Battersea, and the larger portion of it in Clapham parish.

3580. Then Lord Spencer's portion is in a separate manor?—Yes.

3581. Are you aware whether that is a copyhold manor?—No, I am not.

3582. Are there any cattle turned out on the common except by the freeholders who take common rights?—No, I think not, I think it is only donkeys and horses, and at times sheep.

3583. Do the inhabitants consider that those rights of common are, to a certain extent, secured to them?—They are secured to them by the Lord of the Manor, but in the event of any dispute with the Lord of the Manor, they would then, of course, endeavour to maintain their rights.

3584. Has it ever occurred to them to take an assignment of the rights of common, or the freehold rights?—There would be great difficulty in that, because it is in doubt what those rights are.

3585. There has been no ascertainment of those rights?—There has not; but the solicitor of the lord of the manor is here, and he will be better able to tell you that.

3586. Then, in fact, the only security you have at present is the lease which you have from the lord of the manor?—That is all.

3587. Is the common very much used by the people on holidays?—Yes.

3588. Are there games played there?—Yes.

3589. There are no restrictions?—None, whatever. On holidays they have extra police to keep order, but beyond that there is no restraint whatever.

3590. Are there certain days when there are very large numbers of people there?—Yes; on Good Friday, Easter Monday, and so on.

3591. Can you give any idea of the numbers?—Many thousands.

3592. Do they come in vans?—They now and then come with vans, but we endeavour to prevent that as much as we can, because they cut up the common; we get them to draw up at the side of the road.

3593. The people play games there?—Yes.

3594. *Chairman.*] You have a very good cricket ground there?—Yes, a beautiful cricket ground.

3595. And some very good matches are played there?—Yes.

3596. Mr. *Shaw Lefevre.*] Is the common very much intersected with well-defined footpaths?—Yes, the paths are well defined and kept in good order; in fact, the Board of Works have taken some of those paths as parish roads.

3597. And they have kept them up, I suppose?—Yes.

3598. Besides those, are there any others?—Yes, a great number.

3599. Have there been any encroachments on the common within your recollection?—There is every appearance of attempts having formerly been made, but since the lease has been granted, there has not been the slightest appearance of it.

3600. Have you any idea as to the number of freeholders who conceive themselves entitled to rights of common?—I suppose every freeholder fancies he has a right, but the question has never been

been mooted; of course, if the lord of the manor attacked the rights of the freeholders, it would then be ascertained.

3601. Mr. *Peacocke.*] In looking at the paper which you handed in, I find that you say that gross outrages have been committed on the common. What are those?—Those gross outrages were upon females, on the common, and upon that the deputations which I spoke of waited on Sir George Grey and on Sir Richard Mayne.

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3602. Do you mean that they were outrages with violence?—Yes, with violence. There were some very gross cases, but since the deputation to Sir George Grey there has been no such outrage.

ROBERT HUDSON, Esq., called in; and Examined.

3603. *Chairman.*] I BELIEVE you are a Surrey magistrate, living on Clapham Common?—I am.

R. Hudson, Esq.

3604. How long have you lived there?—The whole of my life, upwards of 50 years; I acted as treasurer to the lessees of the common for 25 years.

3605. Having heard the evidence of Mr. Gassiot, do you concur in it?—I do concur in it; as I have already stated, I acted as treasurer to the lessees for 25 years; I was living upon the common before the leases were granted by Colonel Bowyer and Earl Spencer, and I well know the deplorable state that the common was in at that time. In front of the house which my mother purchased at that time, and of others, there was a gravel pit, I should think, of the extent of eight or 10 acres, which it was difficult to pass over. That I and my neighbours, through the kind indulgence of Mr. John Thornton, who was then managing the manor, filled up and levelled; it was considered so great an improvement, that one or two gentlemen called upon me, and we went to Mr. Edward Archer Wilde, the solicitor, who was then living on the common, and proposed that a few gentlemen should take a lease of the common, which was very kindly granted to us by Colonel Bowyer; he granted the first lease, and it has gone on ever since. I believe I am correct in saying that during the time I was treasurer, a sum of not less than 7,000*l.* was laid out upon the common by voluntary contributions, not one halfpenny being derived from the sale of any single thing from the common. We have never cut turf, or dug, bog mould, or gravel for sale, and the only money taken was for the sale of timber, which I accounted for to the lord of the manor. I believe it is difficult to say how far the boundary line goes; I know that when the bounds are beaten, I have seen a post with B. C. chucked backwards and forwards until the parties have given it up, because they have been unable to agree upon the limits. Earl Spencer carries a sort of line right across the common, whereas the Clapham people dispute it.

3606. Mr. *Shaw Lefevre.*] Earl Spencer claims nearly half the common; whilst the inhabitants of Clapham say that it is but a small portion?—Yes.

3607. What do the Clapham people say that Earl Spencer is entitled to?—A small portion down towards Battersea.

3608. That only forms a grass plot in front of the different houses?—Quite so. With reference to another question about the police, I may say that I have been up with two or three deputations to Sir Richard Mayne, and Captain Harris upon the subject of some gross outrages that have been committed upon females upon the common in the middle of the day. Sir Richard Mayne stated that, so far as the police were concerned, they could not undertake perpetually to protect commons in the neighbourhood of London, they could send down to protect the roads, but not the commons. They would do all they could to prevent outrages, and so far as the superintendents and others are concerned, they have done everything in their power to assist us.

3609. *Chairman.*] Upon what ground do they say that they cannot keep order upon commons?—That I cannot say, Sir Richard Mayne said, not only that he could not, but that he would not, undertake to do it.

3610. Mr. *Doulton.*] As an old inhabitant, you can say whether the numbers attending the common have increased from year to year?—Decidedly so, especially since Battersea Park and Kennington Park have been formed. The class of people who used to congregate there are now shut out, and come to Clapham Common; Battersea Park has eight or ten policemen from the Woods and Forests.

3611. You mean park-keepers?—Yes, I believe they are. Sir Richard Mayne recommended that we should appoint the same officers. We had two common keepers, but not being under the control of the police, there was no sergeant of police to look after them. The gentlemen in the neighbourhood of Clapham Common are in the habit of getting off to town early in the morning, and the consequence was, that the men idled their time away, and, in fact, were never to be found on the common.

3612. Mr. *Shaw Lefevre.*] Have you found any difficulty in preventing gipsies tumbling on the common?—We are not troubled with gipsies; they go more frequently on to Tooting and other commons.

3613. Are you a freeholder in the parish?—I am.

3614. Do you claim a right of common in respect of that freehold?—Yes, I have never exercised it, but I believe that the freeholders have such rights.

3615. Is it mentioned in your title deed?—I cannot answer that question.

3616. You have not taken any means to ascertain?—No.

3617. Have you ever considered what security there is for the maintenance of the common as it now is, apart from the lease which you have from the lord of the manor?—I should consider there is no security beyond the lease.

3618. You do not think that the rights of the commoners would afford them much security?—It would depend upon the right exercised. At least, when I consulted Mr. Edward Archer Wilde some years ago, he said, if you do nothing else, buy a cow, and turn her out to assert your right.

3619. You have not done so?—I have not; I know that cattle are turned out.

3620. Are they turned out by freeholders?—That I cannot say. The turning out is principally by cartmen and others, who do not use their horses on Sundays.

3621. Are they persons who have freehold land in the parish?—That I am not aware of.

Mr. Benjamin Field, called in; and Examined.

Mr. *B. Field.*

8 May 1865.

3622. Mr. *Doulton.*] You are treasurer, I believe, of the Committee for preserving Clapham Common?—Yes.

3623. Evidence has been given to-day that Clapham Common is kept in tolerable order by one policeman, and a common keeper?—Yes.

3624. Is that policeman competent to the jurisdiction of the common?—No. I believe that Mr. Gassiot, who gave that evidence just now, cannot, from the position of his house, see quite so much of it as I can in mine. What we want is a policeman constantly among the furze, for it is amongst the furze that the whole of those disgraceful scenes take place. There is another reason why we want further police supervision, and that is, that there is a turn out from Wandsworth Gaol constantly, and the nearest way to London is across this common. Some of the prisoners so turned out are of the worst possible description, especially the women, and they make the furze a place for re-dressing, and scenes are taking place on the common which ought not to be in a respectable neighbourhood like that. There is another difficulty with reference to the police. On Good Friday we have a large number of people collected there; and last Good Friday there was an addition to what we have had before; and that is, that some of these large shooting tubes were brought down, which are exceedingly unsightly, and almost approach to shows. I immediately sent for the superintendent of the police, and asked what his instructions were. He said his instructions were, that they could not interfere; that they had no right to interfere, not even if a wild beast show came there, unless they broke up the turf on the common. Now, if such instructions are issued from Scotland Yard to the police, there is no knowing what may not happen on Good Friday or some other day. We may see something similar to Greenwich Fair, and the property in the neighbourhood will be much deteriorated, and we shall be obliged to leave the common on those days.

3625. *Chairman.*] Did the police give any reason why they could not interfere with people on the common?—No doubt their reason was that some 12 months ago the sitting magistrate at Wandsworth gave an opinion on some prosecution that we had instituted for setting fire to the furze, that our lease did not give us the power that we thought it did, and therefore that it was not of much value. When such an opinion as that is given by a police magistrate I think it is important that the state of things should be altered.

3626. Because your lease did not give you particular powers he considered that the people had a right to burn the furze?—To do anything; he gave such a decision as was very unsatisfactory to us with respect to our powers on the common.

3627. Mr. *Doulton.*] Is it your opinion that one policeman with the assistance of your common keeper would be sufficient to keep order?—Quite so, if the policeman was constantly amongst the furze. That was as much as we asked for, but Sir Richard Mayne said he was not justified in consenting to that, because he would then be obliged to comply with respect to all the commons in the neighbourhood of London. Our answer was, you have closed two important commons in the neighbourhood, there is a gaol at Wandsworth from which the prisoners are turned out, we spend a large sum of money upon this common, the public have the benefit of it, and we think that the least the Government can do is to give us one policeman.

3628. Do you know why there is any hesitation on the part of Earl Spencer to grant you a new lease?—No; I think it is only because it has not been officially brought before him; we have no reason at all to suppose that he will throw any difficulty in the way. We applied to his solicitor at the same time as we applied to Colonel Bowyer.

3629. You asked him to extend the lease to the same time as that granted by Colonel Bowyer?—Yes.

3630. When did you make the application to him?—Twelve months since, at the same time as we applied to Colonel Bowyer.

3631. What answer have you received?—No decided answer. Last Saturday his solicitors said they were going to bring the matter before him on Saturday night. They cursorily inquired should we object to an increase of rent?

3632. What is the nature of the lease?—I believe it transfers to us the powers which he, as lord of the manor, has over the common. We believe that we stand in the same position as he does. But when a magistrate gives such a decision as that to which I have referred, it is very unsatisfactory indeed.

3633. Mr. *Shaw Lefevre.*] How you considered the question of the rights of common, or the extent to which they exist?—No, because so near London it is a very difficult question. A number of gipsies, for instance, are located temporarily at Wandsworth; they turn their donkeys out on the common, and I believe there is some difficulty as to our power.

3634. I suppose that the rights of common have been less used of late years?—Yes; the feed on the common is in fact worth nothing.

3635. Is that in consequence of the number of people resorting to the common?—Yes.

3636. Have you ever considered that it would be well to take a lease or assignment of those rights of common, with the view of using them as a protection?—No; I do not know how that would give any additional protection. The annoyance is from the congregating of the classes of people who used to meet on Kennington Common and Battersea Fields.

3637. I am suggesting it as an additional protection against the lord of the manor?—We have not thought of that, because we have no reason to suppose that Lord Spencer will not give us the lease. The small end of the common would be of but little value to him, seeing that we have a lease of the larger portion.

3638. It would be valuable to him if he built upon it?—No doubt.

3639. And a considerable detriment to the common?—Very much so.

JOHN HAWKINS, Esq., called in; and Examined.

J. Hawkins, Esq.

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3640. *Chairman.*] ARE you a solicitor?—I am.

3641. And steward to Colonel Bowyer?—Yes.

3642. How long have you been so?—Since his father died in 1844; I was solicitor to his father before him. For about 45 years altogether.

3643. I presume you are well acquainted with Clapham Common?—I know the common well.

3644. What portion of the common, of which Colonel Bowyer is the lord, do you consider to be within the manor?—It is rather difficult to say—(*The Witness points out the localities upon the plan*).

3645. Am I to understand that Lord Spencer claims as part of the manor that belongs to him all that which is situated in the parish of Battersea?—So I understand.

3646. Are there land marks at all events which set out the two parishes?—There were formerly, but I believe they are now destroyed.

3647. So far as the common is concerned?—Yes; so far as the parish is concerned as well across the common.

3648. But I suppose clearly defined where there are houses?—Yes.

3649. Any person living there knows whether he is living in the parish of Battersea, or in the parish of Clapham?—Yes; and I believe Lieutenant Colonel Shaw, of the Royal Engineers, is making a survey of Clapham parish and Battersea parish, because a corporal acting under him has borrowed my book.

3650. He would have some difficulty, I suppose, in drawing a line across Clapham Common?—No doubt.

3651. Mr. *Doulton.*] Are there any common rights?—I believe there is a right for everyone having a freehold to turn cattle upon the common.

3652. Anyone in the neighbourhood?—Any freeholder in the parish.

3653. Is gravel digging carried on at all?—No; that has always been put a stop to whenever an attempt has been made.

3654. The present value of the common to Colonel Bowyer is the amount that he receives, less, of course, what he gives as his subscription?—Yes; it is a merely nominal sum.

3655. He has no other source of revenue from the common?—No.

3656. And is quite willing, as is evinced by his granting this lease, to enter into some arrangement for continuing the common in perpetuity to the public?—Yes.

3657. Mr. *Shaw Lefevre.*] Do you believe that there are existing rights of common in the freeholders of the parish?—I only know it from report.

3658. You have not ascertained that from looking at the title deeds?—No; I have no title deeds that would give me any information upon the point.

Mr. CHESTER CHESTON, called in; and Examined.

Mr. C. Cheston.

3659. *Chairman.*] ARE you a solicitor?—I am.

3660. And I believe you are Steward of the Manor of Hackney?—I am solicitor to Mr. Amhurst, and steward of his manors in Hackney.

3661. Have you a map of the manor of Hackney?—There is no entire map of the manor of Hackney. We have a map of the parish of Hackney

3662. That contains the manor?—Yes, the manor is almost entirely confined to the parish.

3663. Mr. *Doulton.*] Is Mr. Amhurst lord of the manor of Hackney Marshes?—Yes. Hackney Marshes are within the manor.

3664. Does that include Hackney Common?—Yes; the Commons are part of the demesnes of the manor.

3665. London Fields?—London Fields.

3666. And Hackney Downs?—Hackney Downs, North and South Mill Fields, Well-street Common, and London Fields, which are all lammas lands. There are two open spaces of common in the parish also, Clapton Common and Newington Common.

3667. What is the extent in acreage of commons and open spaces of which Mr. Amhurst is lord of the manor?—There are upwards of 500 acres; lammas lands and common lands together.

3668. *Chairman.*] Explain what you mean by lammas lands?—The exclusive right to the herbage of those lands from April to August belongs to different proprietors, as your own freehold mansion that you live in, and for the remaining eight months of the year they belong to the freehold and copyhold tenants of the manor. The feeding off the pasturage of those lands is managed by a body of men who are elected once a year at the courts of the manor, called marsh drivers. They exact a small payment for every head of cattle that is turned on to the land, and they keep the place in order.

3669. Mr. *Doulton.*] How many persons are there who have those lammas rights on Hackney Marshes?—I dare say 50, perhaps more. I know that Mr. Amhurst has a considerable portion his own freehold rights.

3670. Each plot is marked off?—Yes, marked off with posts, to denote the different owners. There is a very correct map of Hackney Marsh, showing every owner.

3671. Mr. *Shaw Lefevre.*] Is Hackney Marsh surrounded by a fence?—By the river on one side and the Marsh ditches on the other.

3672. Can the public go into it?—There is one public road across it.

3673. *Chairman.*] Do the public ever use it for any purposes of recreation?—No, not at all; I dare say they do occasionally, but they are trespassers, unquestionably. All cattle which are not properly marked by the drivers as having been paid for are impounded; and there is a marsh keeper residing at the marsh gate, who acts as superintendent.

3674. London Fields are not used by the public, are they?—Yes; they are continually trespassed over; one gentleman has bought up the

Mr. *C. Cheston.*

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the whole freehold and copyhold interest in London Fields, with the exception of a very small portion indeed. I told his solicitor that the great anxiety of the parish was to have that place and Hackney Downs appropriated, if possible, to private pleasure gardens, for the benefit of the parishioners generally, and of the parish adjoining; and as his client had nearly the whole of the land, I said perhaps he would see what could be done. He called upon me a short time ago, and offered to sell it at a very extravagant price. 12,000 *l.* for the 24 acres.

3675. What part do you say that is?—London Fields.

3676. Does any part of it belong to any one else?—No; this gentleman has bought up the whole of it, except a small share.

3677. Then it is his own private property?—Only the herbage for those four months I have mentioned.

3678. Has any one else any right over it?—There is the same right of depasturing cattle on the London Fields as on Hackney Marsh.

3679. Of whom do you say that this gentleman has bought the land?—He has bought it of the other freeholders.

3680. Are there any others left?—None.

3681. Then he has it all?—He has all but two-ninth parts of about six acres; he is a copyholder. It does not belong to him for more than four months in the year. The soil in all these lammas lands is vested in the lord of the manor, because he has exercised control over them from time immemorial; and there are persons appointed to see that the lands are properly managed.

3682. Then what this gentleman has purchased is the right to the herbage of other people?—The right to the herbage of the whole place from April to August.

3683. Only during that period?—Yes.

3684. What is done with the land during the other part of the year?—It is depastured by the tenants of the manor.

3685. During what part of the year does he exercise right over these lands?—From 11th April to 11th August.

3686. No grass can be cut for hay before 11th April?—No.

3687. He gets the whole of the crops off this land?—Yes.

3688. It is grass land, is it?—Yes; all of it. Hackney Downs have been tilled occasionally, and cropped with corn. In the last instance that I know of, but that was before I was steward of the manor, the tenant could not get off his oats by the 11th August, and the commoners took them away for him.

3689. Then it would not answer to till this land?—No.

3690. You might manage it sometimes, but it would depend upon the season?—Yes; a man would do it at his own risk.

3691. The man would have no right to go upon the land until 11th April?—No.

3692. That would be rather late to sow the corn?—Yes.

3693. Then, in point of fact, to be used to any advantage it must always be kept as grass land?—Yes.

3694. What is done with the land after 11th August?—The Hackney Marsh drivers arrange the feeding of it; any cattle turned on to the London Fields that have not the mark of the marsh drivers may be impounded.

3695. Have the public at large any rights over this land?—No, certainly not.

3696. No more than over any one else's property?—No.

3697. Mr. *Doulton.*] Are not London Fields very considerably used by the public as play grounds?—Yes; nothing can grow there for that reason; none other of the lammas lands in Hackney are so overrun.

3698. Are the Hackney Downs used for pasturage?—Yes.

3699. Do you think that the lord of the manor would be disposed to sell his rights in London Fields and Hackney Downs?—I believe he would be disposed to do anything he could, in order to render it as beneficial as possible to the inhabitants of the parish, because he has a very large interest in the parish.

3700. At the same time he has a very small interest in this land?—None whatever in London Fields, except as lord of the manor. I consider that a very large interest, because, as lord, he is entitled to the soil. In London Fields there is a very deep stratum of very fine brick earth, which, I have no doubt, is worth some 15,000 *l.* or 20,000 *l.* In my opinion, that cannot be touched without his consent.

Mr. Richard Ellis, called in; and Examined.

Mr. *R. Ellis.*

3701. *Chairman.*] Are you Clerk to the Hackney Board of Works?—Yes.

3702. Will you be kind enough to explain to us the nature of these five pieces of ground; and, first of all, will you begin with Newington Common?—There are five or six large pieces in the parish of Hackney, and there are two holdings; one lammas holdings, and the other common holdings. Those which we call lammas are the Marshes, the London Fields, South Hackney Common, and the Downs.

3703. What is that Stoke Newington Common?—That is waste of the manor of Hackney included within the common rights of the lord. The distinction, we believe, to exist is this, that the lammas holders are the absolute freeholders and owners of the soil, subject to certain lammas commons rights for eight months of the year. The consequence is, that to them it is almost valueless; and, being so near London, the pasturage has become so trodden down by the public, that to the parties who have the lammas rights it is almost valueless. Really it is of no value, either to the owner of the soil, or to the parties who have the right to pasture upon it.

3704. Do you believe that the persons having rights, the owner of the soil, and those who are entitled to lammas rights, would be willing to dispose of it?—I think the parties having lammas rights over it would be willing to dispose of it for the purpose of its being turned to some beneficial account, as it is perfectly valueless as it is; the London Fields is a playground for the run of Shoreditch and Bethnal Green.

3705. What

3705. What would you suggest to be done with that?—I would suggest that that should be purchased in some way by some competent authority, and either laid out as a playground or laid out as a park.

3706. There are 27 acres?—Yes.

3707. Would you do the same with Hackney Common?—Yes; both with Hackney Common and the Downs.

3708. Hackney Common is 30 acres it appears?—Yes, about that.

3709. And Hackney Marshes are about 345 acres?—Yes.

3710. Then Hackney Downs are 50 acres?—Yes.

3711. And Stoke Newington Common is 5½ acres?—Yes.

3712. Then there is another place, Clapton Common, which is 9¼ acres?—Yes.

3713. Do all these places belong to the same owner?—No; that which is lammas, for instance, the Hackney Marshes, belongs to a great number of individuals; the London Fields did belong to five individuals, and now has been bought up by one person. I believe the tenure of that is absolute fee, and also the marshes.

3714. Could this person enclose it if he liked?—If he could only get the herbage down again on the day on which the commoners had a right to come in, he might do what he liked with it.

3715. If he could, by the 11th of April, get the herbage in a proper position to use it between April and August, he might do what he liked with it?—He cannot do that; it is an absolute fee conveyed to him, subject to the lammas rights over it.

3716. Mr. *Doulton.*] He has not bought the lammas rights?—No.

3717. Mr. *Shaw Lefevre.*] He has only bought the rights of the lord of the manor?—No; he has bought the fee of the soil, subject to the lammas rights.

3718. Mr. *Doulton.*] How many persons are there who have lammas rights over London Fields?—That is rather doubtful; I believe all the freeholders to the extent of 10 *l.* a year have rights over it, but they are never used.

3719. Mr. *Shaw Lefevre.*] Are they the same persons who have lammas rights over Hackney Marshes?—I do not know whether they are the same persons; but they are the same class of persons. There is a schedule within the manor court of the properties to which the rights belong.

3720. They are in the same manor?—They are in the same manor, but under different holdings; there are three different holdings; one is the king's, the other is the lord's, and another is the grumbolds.

3721. Each with a separate class of persons having lammas rights?—I do not know whether they are separate parties, or the same parties.

3722. They are not necessarily the same?—No.

3723. *Chairman.*] Are those lammas rights valuable?—They are perfectly valueless on the Croydon Fields, and of little value on Hackney Downs, but they are valuable on the marshes.

3724. What mode can you suggest to turn these rights to advantage to the public?—It might be done by compelling those who have rights over these various large spaces to sell them; the expense may be met by laying a rate, and purchasing the whole of it and leaving it open.

3725. Do you think that these people who have rights over the lands would be willing to sell out; would they not make out their rights to be very extensive and very valuable?—It would be more than they could do; they are perfectly valueless in the case of the London Fields.

3726. You have had no communication with them. Have you ever heard them say what they wished to do. Is there any feeling about it amongst them?—So far as the Hackney Downs and London Fields are concerned, there is a strong feeling.

3727. Does that feeling extend to those who have rights over it?—I think it is very doubtful who have any rights over that particular portion.

3728. You think it would be advantageous that these places should be appropriated to the use of the public?—Yes, decidedly.

3729. You think there would be no great difficulty in doing that?—The only difficulty is how to find the money.

3730. Would the amount required be much or little?—You would have to buy the freeholder's interest, and he has purchased it lately. I have heard that three or four thousand pounds have been given for the London Fields.

3731. Mr. *Doulton*] About 200 *l.* an acre?—Yes.

3732. *Chairman.*] For the lammas rights over it?—No, for the freehold.

3733. Mr. *Doulton.*] What enclosures have there been during the last few years?—None at all.

3734. Was there not an enclosure some few years back, for the waterworks on the marshes?—The waterworks took a portion of the marsh, and by order of the Court of Chancery, they paid a sum of money into Court to meet the lammas rights of that portion which they took to be laid out in other lammas rights, if they could be found in the parish.

3735. How many acres were proposed to be sold?—It was a long strip along the side of the river.

3736. About 15 acres?—I should think that would be about it.

3737. Had they to purchase the freeholders' rights?—Yes.

3738. Do you know they paid for them?—No.

3739. What did they pay for the lammas rights?—There was about 700 *l.* paid for them at that time, which is now considerably increased.

3740. Would that represent the value of the lammas rights?—At that time.

3741. How many persons are there, in round numbers, holding lammas rights over the marsh, 345 acres?—I believe it is impossible to say whether it extends to the whole of the freeholders and copyholders and their tenants, or to whom it extends. It is believed by almost everybody in the neighbourhood, that they can send beasts on the marshes by having them marked, and paying a fee.

3742. Practically, is it your opinion that the whole of these open spaces cannot be built upon?—Practically I believe, it is asserted that they might, if they chose to take the chance of a Chancery suit; but practically it is, I believe, impossible.

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3743. Is there any gravel digging in these open spaces?—No. On the downs there is a little, but only to the extent of 3 *l.* or 4 *l.* a year.

3744. You say that it is impossible to say who have lammas rights over the marshes. Is not each plot marked out distinctly?—That is the freehold. You might buy a strip of 20 yards on that marsh, and it would be marked out then. You would then have that strip conveyed to you as your absolute fee, subject to the lammas rights.

3745. *Chairman.*] Subject to the lammas rights, which are not of much value?—No, they are not on the Downs and London Fields.

3746. Mr. *Shaw Lefevre.*] Do you know what the number of freeholders is in Hackney Marshes?—I should think there are between 200 and 300 strips.

3747. What persons are there who are entitled to the lammas' rights?—That is very doubtful.

3748. Are they persons specially designated on the rolls of the manor?—I believe those are the parties. There is a schedule, I believe, in the deed granted to Lord Wentworth in the time of James I., and there is a schedule attached to that of properties and holdings which would have lammas rights, and their tenants and assigns.

3749. Suppose any one of these persons broke up his property into a number of different portions, and sold them to other persons, would each of those persons have lammas rights over Hackney Marshes?—I believe so, from the wording of the original grant.

3750. In all probability most of the freeholders in the parish have lammas rights over these very Hackney Marshes?—Yes, that is what it has come to practically.

3751. Are those rights extensively used by freeholders?—No, I think not by the resident freeholders. I think that the parties who send their cattle on to that place are drovers. It would not do to send valuable cattle on to those marshes.

3752. At all events the freeholders of the Hackney Marshes themselves use that ground during the lammas season?—Not for the purposes for which it was originally intended as lammas rights.

3753. Are those marshes open to the public?—By trespassing from the road.

3754. There is no fence?—No.

3755. Does the public use that marsh extensively?—In the summer and spring time the marshes have sometimes been covered on Sundays and holidays.

3756. Just like any other common round London?—Yes.

3757. Is it very desirable that that space of 345 acres should be kept open to the public?—It is generally believed in the neighbourhood that that would be a great boon to the East End of London, not principally to the inhabitants of Hackney.

3758. It is one of the open spaces on which they recreate themselves on holidays?—Yes.

3759. And therefore it is very desirable that it should be kept open?—Yes.

3760. Do you believe that the lammas rights over them might be bought up for a comparatively small sum?—I think the lammas rights might be bought for a small sum.

3761. Do you think that the rights of the freeholders might be bought also?—No; I think the freeholders set some value on those rights.

3762. What kind of value?—It was valuable grazing land at one time.

3763. It is not valuable as building land?—No, not under the present circumstances.

3764. Therefore the whole 345 acres might be bought up for a comparatively small sum?—Yes, looking at the distinction between that and building land.

3765. Mr. *Lyall.*] What is it let for; 3 *l.* an acre?—No.

3766. Mr. *Shaw Lefevre.*] What does it let for now?—I do not know.

3767. Is it equally important that Hackney Downs and Hackney Common should be kept open to the public?—I think so.

3768. Are they extensively used by the public?—They are more used than the marshes, which can only be used when the weather is fine.

3769. Are the marshes capable of being drained so as to be converted into a public park?—I believe that the sewer which has been constructed there lately has done something towards draining them, and buildings have been pushing their way towards it, which was not supposed possible some years ago.

3770. You mean that there have been some encroachments on them?—Not exactly on the marshes, but on land adjoining. The main drainage has done much to drain that part.

3771. You think that the ground there has been considerably improved in consequence of the drainage?—Yes.

3772. Do you say that these other open spaces, Stoke Newington Common and Clapham Common, come under a different head?—They are actually commons under the lord of the manor. The lord has a right over them.

3773. Are those places also much used by the public?—They are not so very large as to be used for any recreation purposes. Parties congregate there at times.

3774. Who is the lord of the manor?—Mr. Amherst.

Mr. JAMES LOVEGROVE, called in; and Examined.

Mr. *J. Lovegrove.*

3775. Mr. *Doulton.*] YOU are a surveyor, I think, to the Hackney Board of Works?—Yes.

3776. And you are well acquainted with these open spaces into which we are inquiring?—Yes.

3777. Is it your opinion that any portion of either of these open spaces could be appropriated for building purposes, without interfering with their general character?—I think with regard to Hackney Downs, and, indeed, the whole of these spaces, with the exception of Hackney Marshes, that it is very undesirable to limit their present small area. The largest is 50 acres, which is a very small open space in the midst of an increasing neighbourhood. Most of those spaces are hemmed round very closely with buildings.

3778. But in the case of the marshes?—In the case

case of the Hackney Marshes there is a very large space there, and of that 50 or 60 acres might be set apart for building operations.

3779. Fifty or 60 out of the 345?—Yes.

3780. Leaving, in round numbers, over 200 to be an open space?—Yes.

3781. It is used at present in the summer months by the public?—Yes.

3782. Is it used in any way in the winter time?—It is in practical disuse then.

3783. Would it be possible, at a moderate expense, so to drain it as to render it available for a place of recreation?—Yes, it would; the Low Level Sewer passes very near the place.

3784. Will the level admit of its being drained by that sewer?—It could be drained, and it would be very desirable also to raise it some three or four feet. That is a work which is now going on, on land precisely the same level on the south of Hackney Marshes. There the ground is lifted up some three or four feet above its present level, and the whole of that is being drained into the sewer.

3785. The whole of that space, I believe, is being used for building purposes?—The whole of that space. It is land lying on the south of the Marshes.

3786. What is the value of that land which is now being used for building purposes?—Land of a similar character in that neighbourhood has been sold within the last three or four years at 800*l.* an acre.

3787. So that, taking the value of the rights over Hackney Marshes to be tolerably small, might a space be taken for building purposes that would repay all the costs of the purchase of those rights?—I think so.

3788. Would you suggest that any portion of the other lands should be dealt with in a similar manner?—I think not. They are very small spaces; mere dots on the map. I think it is very undesirable to do so.

3789. What is the value of building land on Hackney Downs?—Some plots were recently sold at 1,500*l.* or 1,600*l.* an acre.

3790. Have there been any encroachments within the last few years?—None, that I know of.

3791. Have there been any attempted enclosures for building on either of them?—On neither of them.

3792. In the case of London Fields, that is entirely used as a playground?—It has been so used for the last few years.

3793. Do the police exercise any control over that?—I think not. There is no police appointed upon the ground. They may walk over the public highway. They walk along that as part of their beat.

3794. Mr. *Shaw Lefevre.*] Is it not intersected by footpaths in all directions?—In one direction. There is a public footpath on the east side, and a public footpath on the west side.

3795. Mr. *Doulton.*] Is there a common keeper?—Not in London Fields. In the Hackney Marshes there is a common-keeper.

3796. Who are the persons who have principally resorted to this place; are they those from the dense district of Bethnal-green?—They come from Bethnal-green, and Shoreditch, and Mile-end, and Stepney.

3797. Are their numbers increasing or decreasing?—They are increasing very rapidly.

3798. Mr. *Shaw Lefevre.*] Is there a great deal of building in the neighbourhood for the labouring classes?—In Bethnal Green the buildings have very much increased lately.

3799. And round the Hackney Downs?—Yes. In the south part of Hackney the buildings are principally erected for the middle classes. In 1841 there were in Hackney parish 6,864 houses, in 1861 there were 13,218 houses, and now there are about 16,389.

3800. Within what area?—That is within the whole parish of Hackney.

3801. Have the public ever been interfered with in the use of these spaces?—I have seen a notice board upon one or two occasions on Hackney Downs, that trespassers would be prosecuted; but I have not heard of any action taken for trespass.

3802. Are these open spaces used as playground very much?—Yes; I have seen the London Fields and Hackney Downs full in the holiday season.

3803. Are they used for games of all kinds?—Yes.

3804. By people of the neighbourhood, as well as by people coming from other parts?—Principally by people coming from other parts.

3805. But they are also used by the people of the neighbourhood, are they not?—Yes; some from the neighbourhood.

3806. Is that the same with reference to Hackney Marshes during the summer months?—Yes.

3807. On holidays, throughout the summer, the public resort there in great numbers?—Yes.

3808. Are those marshes overflowed by the River Lea?—Occasionally, in the winter time.

3809. Would there be any means to prevent that?—There are certain works necessary, I am not prepared to say what, in the Lea navigation; I think it has reference principally to the locks at Bow and Bromley, a point some two miles lower down. When the tide rises high it overflows their tumbling bays, backs up the river, and overflows these marshes. We have a low level sewer, which is capable of carrying off a considerable quantity of that overflow on the return of the tide.

3810. Would it be possible to raise the level of the surface, or is that only necessary in the case of increased building?—It would be necessary to raise the whole of the surface.

3811. Do you mean for purposes of recreation?—For recreation.

3812. Would that be a very expensive process?—There is a very considerable quantity of surface rubbish easily procurable about London, which would make the cost very much lighter than it would be otherwise.

3813. What is the distance from Victoria Park?—This is very near to the east end of Victoria Park. It is within 1,000 yards of the extreme eastern entrance to Victoria Park.

3814. Is Hackney Common within that distance?—Hackney Common is separated from the park only by a public road on the north side; I am speaking now of Hackney Marshes: the extreme east end.

3815. Do you consider that that end of London is sufficiently supplied with open space by Victoria Park?—I think not; I have been in

Mr. *J. Lovegrove.*

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Victoria Park, and I have seen it very much crowded.

3816. What is the size of Victoria Park?—I have not the figures before me.

3817. Do you know what the cost of the ground of Victoria Park was?—I do not.

3818. I suppose it was something considerable?—Not at that time. With regard to the marshes, I believe land in the immediate neighbourhood has been recently sold at 800*l.* an acre, and I know that within the last 10 years that land was purchased for 350*l.* an acre.

3819. Does it acquire much of its value from being near the River Lea?—No; I find that lands have been purchased for the erection of buildings there, which have not acquired water rights.

3820. Mr. *Doulton.*] They are principally factories where offensive businesses are carried on, are they not?—Yes, and for dwelling houses as well.

3821. *Chairman.*] Are there many of those factories round the River Lea?—There is a group of them at the extreme south of the marshes, which has sprung up within the last 10 or 12 years.

3822. How far is that from Edmonton Marshes?—It is some miles from Edmonton Marsh.

3823. Mr. *Shaw Lefevre.*] Has there been any action on the part of the freeholders, or the persons who are entitled to lammas rights, to enclose them?—I think not; I have not heard of any.

Jovis, 11° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Cox.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. John Tollemache.

RETURN CLUB
PALL MALL

JOHN LOCKE, Esq., IN THE CHAIR.

Mr. HENRY DOULTON, called in; and Examined.

Mr. *H. Doulton.*
11 May 1865.

3824. *Chairman.*] WHERE do you reside?—At Tooting.

3825. Mr. *Doulton.*] Tooting Common is divided into two parts, is it not?—What is usually called Tooting Common is really two commons; Tooting Graveney and Tooting Beck. Tooting Graveney is in the parish of Tooting, Tooting Beck is in the parish of Streatham.

3826. The part to which you specially allude is Tooting Graveney, is it not?—Tooting Graveney.

3827. What is the area of that part?—Sixty-three acres, with the roads; independent of the roads, there are, I think, 58 acres.

3828. Who is the Lord of the Manor?—The present Lord of the Manor is Mr. William James Thompson.

3829. Do you know how long Mr. Thompson has been Lord of the Manor?—Mr. Thompson purchased the manor in August 1861. It was not conveyed to him until December 1862.

3830. Do you know the price that was paid for it?—The price of the common and some cottages, was 3,650*l.* The houses and cottages were let on lease at a fine of 100*l.* a year.

3831. What, in your opinion, is the estimated value given for the common?—I think, about 2,000*l.*

3832. For how many acres?—For 63.

3833. I suppose the answer given by the Lord of the Manor would be somewhat different?—No doubt.

3834. What do you suppose are the rights of the manor generally?—That, of course, is a question in dispute. The inhabitants, generally, believe that the Lord of the Manor has the right of getting gravel and cutting turf, with, of course, certain quit-rents.

3835. Are there any copyholders?—There are.

3836. Who are supposed to be the commoners?—We consider that the inhabitants of Tooting, who have exercised the right, all have a right of pasturage over the common.

3837. And do they exercise those rights?—Many of them do.

3838. Has the parish of Tooting any right over the common?—The parish of Tooting has the right to get gravel for the repair of their roads.

3839. Is the right of the parish to which you have referred, the right of digging gravel, admitted by the Lord of the Manor?—Yes.

3840. What steps have been taken towards an inclosure of the common?—An application was made to the Inclosure Commissioners in May 1863. The first intimation of that was a notice on the church doors. The Commissioners appointed an Assistant Commissioner to hold an inquiry; he held three meetings; in May 1863, in November 1863, and again in January 1864.

3841. What was the result?—The inhabitants receiving intimation by notice of the inquiry so to be conducted, a public meeting was called in the parish of Tooting, and attended by the inhabitants, tradespeople and gentry; and resolutions were passed condemnatory of the scheme. A committee was appointed to oppose the inclosure; they engaged the services of a solicitor and counsel, and attended before the Inclosure Commissioners, and offered evidence in support of their views.

3842. What was the decision to which the Inclosure Commissioners came?—I do not think the Inclosure Commissioners came to any distinct decision: but on the 3d of March 1864, our solicitor received the copy of a letter sent to Mr. Bird, steward of the Lord of the Manor, which I suppose will be considered a recommendation; I will read a part of it:—"Tooting Common Inclosure. Sir, I am directed by the Inclosure Commissioners to inform you, that after full consideration of all the circumstances of this proposed inclosure, they are of opinion that 25 acres should be set out as an allotment for exercise and recreation. As regards the remainder of the lands the Commissioners will feel obliged by your informing them what is the proportion which the lord (if he concurs in this proposition) would require should be set out to him in lieu of his right to the soil, and whether that proportion is to be inclusive or exclusive of his right to mines, minerals, &c., as mentioned in the Inclosure Acts. I am, sir, your obedient servant, (signed) *E. Tattersall.*—By order of the Board."

3843. What course was taken by the committee?—That communication having been sent to Mr. Thompson, he declined to accede to the recommendation of the Commissioners. The committee appointed to watch the matter waited upon Mr. Thompson, and an attempt was made to arrange the matter by offering the price he had given for it, with interest, and the costs incurred. Mr. Thompson is very deservedly and highly esteemed in the neighbourhood; and it was thought that he would probably unite with his

Mr. *H. Doulton.*

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his friends and neighbours in devoting this common, which he had purchased, to the public for ever. With that view the offer was made; it was supposed that the Metropolitan Board of Works would contribute some part of the purchase-money, and the inhabitants and owners of property would raise the rest; at all events, a definite offer was made to Mr. Thompson, to pay him what he had paid for the common, and all expenses and interest.

3844. In what year was the application made to the Inclosure Commissioners?—In May 1863.

3845. And the common was bought by Mr. Thompson in 1861?—He bought the common in 1861, but it was not conveyed to him until 1862.

3846. And I do understand that the inhabitants of the neighbourhood were willing to subscribe among themselves, a sufficient sum to pay Mr. Thompson the amount he gave for the common?—They were willing to raise a considerable sum; they made a definite offer to Mr. Thompson, excepting to receive a part of the purchase money from the Metropolitan Board of Works.

3847. Have there not been some inclosures in years past on this common?—There have been inclosures. The parish of Tooting in years past has been exceedingly jealous of any encroachments on the common; and I find that in 1752, a gentleman who inclosed some waste land, agreed to give five guineas for the poor. In 1812, Mr. Thomas, the then Lord of the Manor, had inclosed some part of the common. A vestry meeting was called, and very strong resolutions were passed against the inclosure as contrary to the rights of the parishioners, and a long discussion ensued between Mr. Thomas's solicitor and the parish. A committee was appointed, with power to engage any legal assistance they might require, and, indeed, to oppose the inclosure to the utmost. I find this resolution was passed at a vestry meeting held on the 17th of November 1812; and I think it shows, that at all events the parish at that time thought that they had very strong rights; that, indeed, the parishioners generally had a right of pasturage over the common. The following is the resolution in reference to the inclosure made by Mr. Thomas, the then Lord of the Manor: "It was resolved, that the inhabitants of this village have enjoyed unlimited rights of pasturage on the common of this parish from the earliest period of the remembrance of any person now living." It was "resolved unanimously, that we will not consent to or permit all or any part of the common or waste lands of this parish to be inclosed." There were other resolutions passed, that the parish would legally defend their rights, and that they would not on that occasion listen to any compromise with Mr. Thomas, the then Lord of the Manor, until he had paid all the expenses, and removed any obstructions. That matter seems to have been arranged on Mr. Thomas making a new footway, and ultimately satisfying the parishioners. But again, on the 27th of April 1824, there were attempts at inclosure, and I find that this resolution was passed: The committee reported to the vestry, "That it is the opinion of your committee, that the right of common belonging to this parish being so limited, more than usual care should be exercised on the part of the parishioners in preserving it from encroachments of any kind, in order that the same may pass to their successors in an undiminished state."

3848. Then, so long back as 1824 the parish received a sum of money from the Lord of the Manor?—In 1812 they did not receive any money; in 1824 Mr. Thomas did inclose, I think, some three or four acres; his right to do so was disputed; a long correspondence and discussion ensued, and it was ultimately settled by Mr. Thomas contributing 400 *l.* towards the new church.

3849. That is, the Lord of the Manor?—He was the then Lord of the Manor. On his contributing that sum, the parishioners and vestry passed a resolution permitting him to inclose. In 1812 it was settled by his making a path. There have been other inclosures. A Mr. Elliott inclosed, and paid 50 *l.*, and Mr. Chapman inclosed, and paid 100 *l.* to the new church.

3850. Who were they?—They were inhabitants of Tooting, resident on the verge of the common. But the resolutions which I have read show that the parishioners thought then that they had an unlimited right of pasturage on the common.

3851. As I understand you, the parish and the inhabitants generally think that that right is still enjoyed by the parish?—They do.

3852. Upon the failure of any arrangement with Mr. Thompson, have not some steps been taken by him against the commoners, or against those who claim the rights of commoners?—Yes; after the recommendation of the Assistant Commissioner the matter remained in abeyance. I believe Mr. Thompson made some offer, of which I was not aware at the time, to arrange the matter; but it remained in abeyance until the beginning of this year, when the steward of the manor gave notices of actions for trespass against three or four parishioners and one copyholder, who were exercising what they considered their rights of pasturage. It was agreed by the committee to defend those actions.

3853. Are those actions going on?—Meanwhile the position was considered to be a painful one, and it was thought most desirable that it should be settled amicably, and ultimately an arrangement of this kind was come to, that Mr. Thompson should give up absolutely to the public for ever, at least one-half of the common, to be dedicated to the public for ever. The commoners' rights, whatever they might be, to be satisfied out of that part; that the other half should be the absolute freehold of Mr. Thompson, but with this provision, that he should undertake not to build upon it or inclose it for 21 years. That arrangement, taking all the circumstances into consideration, was thought to be a fair one, and I think it gave general satisfaction. It was supposed that the Inclosure Commissioners could legalise such an arrangement, and an application was made to them. The result is that the Commissioners do not see their way themselves to legalise this arrangement; but there is no doubt, I think, that it can be carried out by the solicitors on behalf of both sides. The matter has been put in the hands of Mr. Wetherell, the Assistant Commissioner, who conducted the inquiry, for him to devise a plan by which this can be carried out. Some meetings have been held, and I believe the arrangement will give general satisfaction under the difficult circumstances of the case, and will prevent litigation and the resuscitation of unpleasant feeling.

3854. *Chairman.*] How is it divided?—By a road running through Streatham and Tooting, a road very well known. That road divides the common in half; that part which lies to the left from Streatham Church is to be dedicated to the public,

public, and that to the right is to be Mr. Thompson's property.

3855. Until you get down nearly to Tooting there is only a strip of land?—Tooting Graveney is at the end of the avenue, and at the end of that avenue the common widens to the left. The left is to be given up to the public, the right is to be kept by Mr. Thompson.

3856. When you get at the bottom of that avenue, as you call it, the common widens to the left?—Widens to the left; but there is 25 acres to the right.

3857. Mr. *Doulton.*] Then, if I understand the arrangement that is proposed to be carried out between Mr. Thompson and the parishioners, it will secure to Mr. Thompson 25 acres as his own freehold property, which he can deal with after 21 years?—During the 21 years he will be restricted from building upon it, or enclosing it. The commoners' rights are to be provided out of that which is given to the public. It is proposed to call a meeting to ascertain the views of the commoners and inhabitants generally. This arrangement was entered into by the committee, and the feeling of the committee was, that it was the best way out of a difficult position.

3858–9. The general opinion of the inhabitants is, that this is an arrangement that would be for their advantage to be carried out?—So far as I have ascertained the feelings, it is almost or quite unanimous. No public meeting has been called to ascertain the views of the inhabitants, but I have never heard anyone dissent from the arrangement.

3860. This part of the common, I believe, is not much used by the public for purposes of recreation?—The gravel has been so much dug out in all parts that it has become unsuitable for any games. Occasionally games are played on certain parts of the common; but the greater part of the surface is so unequal, the gravel having been dug out and water lying there, that it is not so suitable.

3861. Has the gravel digging ceased?—The gravel digging has ceased for more than a year; and Mr. Thompson, the present lord, has made some surface drainage, which has somewhat improved its state. It is still, however, in an unsatisfactory state.

3862. Suppose this arrangement not to be completed, would it, so far as your knowledge of the inhabitants extends, meet their views, if the Metropolitan Board of Works, or some other public body, were to purchase the rights of the Lord of the Manor, and exercise control over it, keeping it in perpetuity as a place of recreation for the public?—I think that some Board (the Metropolitan Board of Works would be the best body) should have power to deal with such spaces, and such an arrangement would be a very desirable one.

3863. Not to make it into a park?—Certainly not. The opinion is strong that the wild beauty of the common is most prized; and, indeed, it is a material point that the expense of keeping the common in order would be comparatively small, while that of maintaining a park would be considerable. A very small sum indeed would suffice to put this common in order, and keep it so.

3864. Who is the Lord of the Manor of the other portion of Tooting Common, Tooting Beck?—There are two; one is Mr. Hudson, I forget the name of the other.

3865. That is the portion of the common to which you referred as being in a very unsatisfactory state?—The railway passes over one of the most beautiful pieces of woodland scenery to be found round London. In forming the railway the contractor cut down oaks of great beauty, and the railway cuts the common in two.

3866. Mr. Alderman *Rose.*] This arrangement, I suppose, does away with the angry feeling there was?—I believe so.

3867. Mr. *Lyall.*] What will be the expense of keeping the common as you suggest, the extent being 25 acres; how much will it be per year?—I should think 50 *l.* a year would be ample.

3868. There is one question I want to ask with reference to the power of the lord; you say that the parish has the privilege of digging gravel?—Yes.

3869. Do you mean all the inhabitants of the parish?—No, only the parish, for the repair of the roads; the parishes have a right, or rather have a privilege, I do not know whether it is a right, to have gravel at 6*d.* per load; the parish have what gravel they require.

3870. At 6*d.* a load for their private use?—At 6*d.* a load for their private use.

3871. But that is simply by the will of the lord, not by any right which the inhabitants have?—I do not know whether they have a right, it is a custom.

3872. To whom do you intend to confide those open spaces to be managed?—I do not know whether that has been considered; trustees would be appointed, unless some public body were to take the management of it. I apprehend it would be given to some trustees, or probably Mr. Thompson himself would see to the management of it under certain restrictions.

3873. Mr. *Shaw Lefevre.*] Is the expense of carrying out this arrangement paid by the parish?—No; considerable expense has been incurred in opposing this scheme, which has been defrayed by the contributions of the residents to the extent of some 500 *l.*

3874. It is not proposed to sell any portion of the common for the purpose of raising the money, is it?—No.

3875. What is the acreage of Tooting Beck?—I am not aware, but I should think it is three times as large as Tooting Graveney.

3876. Is that in the same parish as Tooting Graveney?—No.

3877. Is it in a different manor?—In a different manor.

3878. Is that subject to the rights of common?—Yes.

3879. Do you know whether the crossing of that railway over the common was opposed by the parishioners?—I am not aware.

3880. Do you know what was given for the land?—I do not.

3881. What is the railway?—It is a branch of the London and Brighton, from Balham to Croydon.

3882. What is the value of the land round about Streatham parish?—About 400 *l.* or 500 *l.* an acre.

3883. Is Tooting Beck very much used by the public generally?—Tooting Beck is more used than Tooting Graveney, because the surface is better. Games of cricket are played there.

3884. Do people come down there on holidays?—Yes.

3885. In the same way as to Wandsworth?—Not to such an extent. When I tell you that

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the population represented by the Wandsworth Board of Works has increased 20,000 between 1851 and 1861, and is increasing, you will conclude that an increased number of persons find their way down there.

3886. Have there been any negotiations with the inhabitants of the parish in which Tooting Beck is situated of the same nature as with regard to the other portion of the common?—I think not.

3887. Mr. Alderman *Rose.*] The amount paid for this land was, I think, something over 2,000*l.* If it had been known that it could be built upon it would have brought a much larger sum?—Yes; the sum given for the common was something over 2,000*l.*, but it was generally considered that it could not be used for building land; I myself took occasion to inquire who would be likely to purchase it, and having been told that Mr. Thompson was likely to purchase it, I thought the matter was quite safe, although I never apprehended it would be built upon; I thought it might be put in better order, and I have no doubt that Mr. Thompson's original intention was to put the common in good order, and keep it so; but we all consider that would be a very uncertain tenure, and that if Mr. Thompson were to leave the neighbourhood, his successors, or those to whom he might sell it, would at once, having the power, build upon the common. The public would be there on sufferance, so that we felt it our duty on public grounds to oppose Mr. Thompson's scheme.

3888. That was the reason, was it not, that there was no competition; but if the people in the neighbourhood had supposed it would be put up for building purposes a much larger sum?—The 2,000*l.* given for the common was considered a large sum.

3889. For the common rights?—Yes.

3890. *Chairman.*] It would remain in the same condition?—Yes.

3891. Would it be land that would be suitable for building?—It would be. At all events one-half of it, the half that Mr. Thompson proposes to keep. The other half is much lower, and would not be so good. Still it might be made building land.

3892. Mr. *Shaw Lefevre.*] Have there been many enclosures of Tooting Beck besides that for the railway?—No, not that I am aware of; certainly not of late years. At the time the railway was constructed an attempt was made to enclose a piece for brick-making. That was done, and brick-making was carried on, and when the railway was completed an attempt was made to keep up that enclosure, and a large copyholder in the neighbourhood, who has common rights, informed me that he had on two or three occasions broken down the fence.

3893. Is there any bridge connecting the two parts of the common separated by that railway?—Yes; two road bridges and a foot bridge.

WILLIAM JAMES THOMPSON, Esq., called in; and Examined.

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3894. *Chairman.*] YOU are the Lord of this Manor?—Yes.

3895. Of what part of this common?—Tooting Graveney.

3896. You have heard the evidence of the last witness, Mr. Henry Doulton?—Yes.

3897. Do you coincide in that evidence?—No, not entirely.

3898. Will you be kind enough to state in what you differ from him?—Mr. Doulton stated, in his evidence, only his own views of the matter. I was not here for 10 minutes, but I think I heard most of his evidence, and it appeared to me that a strong feeling of the inhabitants of Tooting is represented to you as engaged in this matter. I give Mr. Doulton credit for acting upon public grounds alone, he being merely a leaseholder of property in Streatham parish, which looks upon Tooting Common; but the real fact is, that the two gentlemen who took this matter up first are gentlemen residing in Streatham parish, adjoining Tooting Common, and who, in the name of the public, are protecting their own private interests, the same as has been put forward by the "Times" newspaper. I think it is better that I should state to you that that was the beginning of the strong opposition, while as regards the parishioners of Tooting, the rector gave evidence that some buildings upon the common would be of benefit to the parish, and the principal inhabitants gave evidence to the same effect. So that you must not consider the views represented by Mr. Doulton as being those of the whole neighbourhood.

3899. Now, what is the ultimate arrangement to which you have come?—The ultimate arrangement is that I have offered to give up to Tooting parish, to the rector, churchwardens, and the overseers for ever, the part of the common on the right as you come from Tooting parish, protecting the whole of the houses at present in existence; so that no gentleman living in Streatham parish, and looking upon Tooting Common, can have any right to complain that his property is affected. All claims are to be rested upon that portion, such as gravel digging and the claims of commoners. The remaining half of the common shall be made my freehold, I agreeing not to allow it to be built upon for 21 years.

3900. You take the other half not subject to common rights?—Not subject to common rights.

3901. The whole of the common rights over the two parts are to be entirely borne by the part which is given up to the rector and churchwardens?—Yes; but as regards enclosing, I have consented that, if it can be made my freehold without enclosing I am willing it should be so. But that if the law says it must be enclosed, I shall be content with the lightest fence; but still it must be my freehold after 21 years, for my children to do what they like with.

3902. Mr. *Doulton.*] Without any restrictions to building?—Yes; but I undertake that there shall be no building for the 21 years.

3903. After the 21 years there shall be no restriction?—No, it shall be my freehold; I have reason to believe that three-fourths or seven-eighths of the common is my freehold, and that I am giving away 20,000*l.* I say that, being asked to give up property which they say is so very valuable, and then to be held up to public scorn because I do not do so, is a most unfair thing. I made this offer to the Commissioners from the first; on the ground of the disputed question, some considering that the public had enjoyed it for so long a time that the inhabitants

tants imagined they had acquired rights. After living for 18 years in the parish, I felt I was one of them, and I have always felt with the people, and I thought it was due to them that I should make a large concession. I made a proposition in the first instance to be content with this arrangement. They declined it. I made a proposition a year ago to Mr. Brand to the same effect as that which is now acceded to, with the condition that I should enter into the agreement that there should be no building for 21 years. Mr. Brand neglected to lay that before his committee, and until we were obliged to commence actions in order to try the question at the assizes, nothing was done.

3904. *Chairman.*] How did you commence actions?—We commenced actions against those who were trespassers, to determine the rights. A farmer in the neighbourhood, who, I acknowledge, has a certain right with me as a copyholder. We commenced our actions to prove those rights.

3905. What was the nature of the action?—I do not know how to describe it legally.

3906. Was it an action of trespass?—It was an action of trespass, because he claimed the right of turning out any number of sheep all over the common, and I considered that he has only the right to do so on behalf of lands that would give him only two acres and a half of the common. When we came to that point, Mr. Doulton and myself talked the matter over, being friends, and being anxious to avoid an unpleasant issue; and I then told Mr. Doulton the offer that I had made to Mr. Brand, of which he was ignorant. He said he thought it was a very liberal offer, and at once brought it before his committee, and they accepted it. That is how it stands at present.

3907. And it was agreed?—So far as I can understand.

3908. The whole difficulty is as to the mode of carrying it out legally, in a manner that shall be binding on both parties?—That is the only difficulty, I believe, now in the way. The two solicitors have agreed.

3909. That is under the consideration of Mr. Wetherell?—It is before Mr. Wetherell.

3910. Is it before him still?—It is.

3911. Is he to make an award upon it, or what is he to do?—I must leave Mr. Bird to answer the legal questions.

3912. I want to know whether Mr. Wetherell, supposing he has the legal power, is finally to arrange this matter in a manner binding upon the parties, and whether it is to be left to him to carry it out; and to your agreement or not?—I do not think that he has the power.

3913. You are not aware of the minute particulars?—I have left it in the hands of the legal gentlemen.

3914. You have agreed that that shall be the arrangement, and it is left to Mr. Wetherell?—It is left in the hands of my steward, and of their friend Mr. Scott; and they are working together to carry out the arrangement agreed upon between us if they can. That is how the matter stands, so far as I know.

3915. Mr. *Doulton.*] Am I to understand you to say that the inhabitants, in your opinion, have no legal rights?—The parish has none, as I am advised. The parishioners have no rights over the common.

3916. Does it not occur to you that the extracts read from the Minutes of 1812 and 1824 are *primâ facie* evidence of the existence of such rights?—I have not read those, but I have read the leaders in the "Times" newspaper, which has put forward the same view as has been enunciated to me by my legal friends.

3917. And yet it is on record that, as long ago as 1820, the then Lord of the Manor paid a sum of money for the privilege of inclosing?—He may have done that in error; it is quite possibly for money to be paid for assumed rights.

3918. Has the parish exercised the right of digging gravel, and other rights, during the last few years?—For the parish roads they have had a right.

3919. And they still exercise that right?—Yes; I assume that the Board of Works exercises it.

3920. The Wandsworth Board of Works?—Yes; acting for both parishes.

3921. Have they ever paid money for the gravel they have dug?—I do not know, but I suppose not; I do not know the legal technicalities.

3922. Although fully admitting that the proposal now made by you is a liberal one, yet we are to understand that, after 21 years, 25 acres of this land will be appropriated to building purposes?—Most likely.

3923. That would be the result of the arrangement if carried out?—Yes; I should think most likely, unless it were in the interim bought up at its fair value. My desire was to ascertain my legal rights; these gentlemen said "No, you shall not." I never intended to build over it, but I thought I had bought a property which might possibly some day be of considerable value; at the present moment some of it would sell for 1,000*l.* an acre; if I have bought it I am legally entitled to it as my legal property; no matter what I gave for it, they have no right to take it away; if they want it they can buy it at its market value, but I must ascertain my rights first; that, they said, I should not do, but they would bring public opinion to bear upon me, and cry me down.

3924. *Chairman.*] They set up their rights?—Of course; partly for their own personal ends.

3925. If this common should be bought by a public body, for the public, it would then devolve upon you to prove your rights?—I suppose if a public body wanted to buy it I must ascertain whether I have merely the surface, or whether I have, as I am advised, seven-eighths of the freehold of the common by law; it is a legal question. It appeared to me that it ought not to be taken up as a party question; I said, "If we were all to contribute alike, let us do it, and I will do as much as any of you, or double; but to force me to give up for my cost price what you say is worth 30,000*l.* is unreasonable;" I said, "It is asking me to play the part of the cat and the chestnuts, to protect your private property in Streatham parish, and so improve your freehold at my expense."

3926. Do you derive any revenue from it now?—I used to get about 30*l.* or 40*l.* a year, but since this dispute has arisen I have stopped all work.

3927. You estimate the value of the property at 30,000*l.*?—It is their own estimate, and I do not consider it an unfair one.

3928. You gave 2,000*l.* odd in 1861?—Yes; the auctioneer said it might be turned into build-

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ing land; I was considered to have given a long price for it.

3929. Mr. *Locke King.*] What is the number of acres in your manor?—It was called 60, but I think it measures 50 or 52.

3930. You propose to give up half of it?—I think rather more; I live opposite to the part that I wish to retain.

3931. Mr. *Peacocke.*] How many acres do you say are worth 30,000*l.*?—The 50 acres.

3932. Then you think it is worth 600*l.* an acre?—Wandsworth Common has been selling at 600*l.* an acre, and that is in exactly the same position; I do not see why Tooting Common should not be worth something like the same sum; there are parts worth 1,000*l.* an acre that could be built upon to-morrow; a good deal of it is in bad order, and it requires a great deal of attention.

3933. You do not suggest that in three years the property has increased in value to the extent you mention; but you bought it with manorial rights, and you say those rights are done away with?—With the great demand for property near London it might very easily be turned into building land.

3934. Have you formed any estimate within the last five years, of how much land has increased in value per acre in the neighbourhood of London?—No.

3935. That has not been brought under your attention?—No; I think it must have doubled in Tooting parish.

3936. In five years?—I think so. Very little building land at Tooting is sold under 500*l.* an acre.

3937. Mr. Alderman *Rose.*] You estimate the value of your purchase at 30,000*l.* at the least?—That was what Mr. Brand put it at.

3938. And you say that some of it is worth 1,000*l.* an acre?—Yes.

3939. Had you any conversation with your neighbours before you made the purchase?—No, I was in Ireland.

3940. Was there not a conversation about this common being purchased by the neighbours for the benefit of the public, as a public investment?—Not to my knowledge.

3941. Had you not a conversation with Mr. Doulton previous to the purchase?—No.

3942. Is it not a fact that you had a conversation with Mr. Doulton previous to the purchase, and that you purchased that property with the understanding that you were purchasing it on behalf of your neighbours?—Most decidedly not.

3943. Then how do you account for your purchasing what you value at 30,000*l.* for 3,000*l.*?—Because, when I purchased it no one thought that there was any value in it. I did not think there was myself. I had resided on Tooting Common for 18 years, and I wished to prevent the possibility of any nuisance occurring. I intended a benefit to the whole neighbbourhood by putting the common in order, and making it a nice place for recreation, and for that purpose I bought it. I was treating with the proprietor for the common two or three years before I purchased it, and when it was put up for sale I gave authority to go as far as 4,000*l.* for the common, and certain houses in the village, which were put up in the same lot.

3944. Had you not any conversation with Mr. Doulton about it?—I have no recollection of any conversation of the kind you mention. I cannot recall every word that I have said in our various conversations during some years, but to say that I have agreed with Mr. Doulton, or any other gentleman, to purchase that common on behalf of the public, or that I gave him the impression that I would buy on behalf of the inhabitants, and that having done so I broke faith with the gentlemen in the neighbourhood, is utterly wrong.

3945. Mr. *Shaw Lefevre.*] I understand you to say, that when you bought the common you thought it was subject to the rights of common?—I knew nothing of the actual value; I bought it as a chance.

3946. You say that you did not think it of any value?—Not when I bought it. I have resided there for 18 years, and I thought I should probably live and die there. Living in the Manor House, I thought I would rather be Lord of the Manor.

3947. But, from your experience, you thought it was subject to rights of common?—I never gave a thought about it.

3948. After you purchased the common for 3,000*l.* you set to work to ascertain whether those rights of common did exist?—Soon after I purchased it my desire was to put the common in order, and make it a beautiful place, instead of its being as it is now, open ditches; but before doing so I felt it necessary to see what my rights were, and I said to my solicitor, "Before I begin to do anything secure for me the legal possession of this common."

3949. Did you soon after that commence your proceedings before the Inclosure Commissioners?—I did, after a certain time.

3950. Soon after the purchase?—The necessary steps were taken.

3951. With a view to inclose?—With a view of ascertaining my powers over it as freeholder, and then improving it and keeping it for the public.

3952. What has happened since 1861 to raise the value of the common from 3,000*l.* to 30,000*l.*?—The common was then considered a waste.

3953. Subject to common rights?—If certain persons were wrong in their opinion, and if these rights do not exist, and if there are very few commoners, as we believe, it becomes my actual freehold property.

3954. Nothing has occurred since 1861 to the present day to increase the value of the property except the steps you have taken?—If it is freehold, as I believe it to be, it will have acquired a value equal to that of other freehold property in the neighbourhood.

3955. There has been no material increase of the value of land in the neighbourhood since in 1861?—I should think it had doubled.

3956. Since 1861?—Yes, portions of Wandsworth Common have been sold at 1,000*l.* per acre.

3957. Is this a copyhold manor?—Well, I cannot exactly answer that.

3958. Have you appointed a steward of your manor?—Yes.

3959. Do you know whether there are any copyholders, or freeholders, who have any rights of common over this manor?—We know of no freeholders; there are copyholders.

3960. I suppose you have searched the rolls of your manor to ascertain, and you have ascertained, according to the best opportunity you have, that there is only one copyholder?—That is all, I believe.

3961. You deny that any of the freeholders of the

the parish have any right of common or pasture at all?—We do not admit any; but on a legal point like that, my steward will be better able to give an opinion.

3962. During the 18 years you have resided in the parish, I presume you have seen cattle turned out there?—Of course.

3963. And I presume that people in the parish at the present time do turn out cattle upon it?—Of course they do.

3964. But you deny that they have any legal right of doing so?—Yes.

3965. You think that the public have acquired no legal right?—Yes, I do not think that they have any legal rights.

3966. *Chairman.*] According to your impression, in 1861, you purchased the manor subject to the rights of commoners over it, but you found out immediately afterwards that you had purchased the fee simple?—I purchased the manor subject to some imaginary rights, and not thinking about it, but when I came to have the matter investigated I found that there were so few people who had any legal claims, that it became by law my positive freehold. If I had bought something which had a mine in it, I fancy I should have been entitled to it.

3967. In 1861 you purchased it?—Yes.

3968. How soon after did you commence making these inquiries?—I really have not troubled myself about these details, but my steward will give you the exact dates.

3969. You have stated that when you bought it in 1861, you intended to lay out money upon it; in what way did you intend to lay out money upon it?—I intended to drain it; it was in a most disgraceful state; and I have done a great deal, but none of my patriotic neighbours have offered a shilling towards it; although myself and Mr. Bird have drained it, filled up the ditches, and so on.

3970. For whose benefit have you done that?—For myself, as one resident, and all the other residents in the neighbourhood.

3971. You say you ascertained that there was but one man who had any right there at all?—Any right as a copyholder.

3972. Who was he?—Mr. Martin.

3973. Then you, as Lord of the Manor, and Mr. Martin, you say, are the only persons who have any right over the common at all?—Yes.

3974. What is Mr. Martin?—He is a farmer.

3975. He has a copyhold right?—Yes.

3976. And you say he is the only one?—The only one that we are aware of.

3977. Were there no other people who said they made the same claim as Mr. Martin?—Of course there were.

3978. How many of those were there?—I cannot tell the number, but there were all sorts of claims made before the Assistant Commissioner.

3979. What did the Assistant Commissioner say to that?—I do not know what judgment he has arrived at.

3980. Perhaps he entertained a different opinion from you?—I do not know.

3981. Did he reduce it down to Mr. Martin and yourself, or did he recognize the right of others?—I do not know that I am breaking confidence when I say that I met a gentleman who represented legally some of the other parties, one of their legal advisers, some months afterwards, and talking of this matter, he said that his impression was that the Assistant Commissioner was strongly of opinion that the claims set up against me were very weak, and that I was almost the sole person entitled to that common, which was also his own opinion; but the Commissioner has not told me so.

3982. Has the Commissioner made any award?—I am not aware whether he has or not.

3983. Then your opinion as to your right is formed simply from the information which your own solicitor gave you upon looking into the court rolls?—Well, not altogether; I have had a great deal of conversation with several people about it, and I find that they have gradually come round to the opinion that the claims of the Lord of the Manor are very strong, and the claims set up against him are very weak. One of the vestrymen told me that the more they looked into the matter, the less right they found they had to it, and that they were very glad to have a Lord of the Manor who would treat them liberally.

3984. You stated that you thought the value of this common had been increased because there had been sales on Wandsworth Common?—Yes, there have been recent sales on Wandsworth Common.

3985. Do you know that as a fact, or merely by talking of it with some one?—Merely by talking of it.

3986. Do you know anyone who has bought land there?—No, but there are several pieces of land sold on the common, which were sold some years ago to Mr. M'Keller, and several houses have been built there.

3987. By whom was that sold, by Mr. M'Keller's executors?—Yes.

3988. But that was not part of the common?—It was originally.

3989. But when?—Before Lord Spencer sold it to Mr. M'Keller; I have known it as such in times gone by.

3990. That you say was sold by Mr. M'Keller's executors for 1,000 *l.* an acre?—No; it was sold by his executors for something like 300 *l.* or 400 *l.*, but it has been resold and sold again, and now at this very day there are houses being built upon it, and a very long price has been obtained for them.

3991. That induces you to think that your common is equally valuable?—It would become as valuable: when this first came up, my friend Mr. Brand said to me, "If you have bought a thing for 3,000 *l.* which is worth 30,000 *l.*, do you think we would not have done so as well as you?" and we have spoken of 30,000 *l.* as a sort of familiar term, and I do not think it is far wrong; if it were made the most of, I think it would very likely turn out to be so.

3992. You have been asked by the Honourable Member for Southampton whether you had a particular conversation with Mr. Doulton. Now, you have got "The Times" newspaper there?—Yes.

3993. A great many charges have been made against you; is it one amongst them that you led the people of Tooting to suppose that you were purchasing it for their benefit, while you were merely purchasing it for your own; has that been said?—May I speak with freedom, and if so, I hope that the worthy Alderman will not take offence at my so doing? Mr. Alderman Wilson told me that Alderman Rose had brought that charge against me, in the Court of Aldermen; not that the Aldermen had anything to do with the question of Tooting Common, but that there was a question before that Court as to their super-

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vision of the brokers of London, in which Alderman Rose was aware that I had taken, on the part of the colonial brokers, great interest. When the matter was discussed the Alderman stated that which he has now placed before you, to disparage my character as an honourable man; and Alderman Wilson, having known me for 30 years, rose at the moment and said, that from knowing Mr. Thompson almost from his childhood he did not believe he could be guilty of such conduct. Alderman Wilson told me this, and I requested him to tell Alderman Rose that there was no foundation whatever for his assertion.

3994. Is that one of the charges which have been made in the papers?—No, I have not seen that; I have been told that my name ought to be execrated; and the newspapers have written against me as a regular usurer who wanted to get out of poor people a large sum of money for a small sum of money.

3995. That is only a strong observation in a general way?—It is quite plain, and I may say I did not like it; but I have never been charged with anything such as has been suggested. I, however, acquit Alderman Rose of having said so unless he had thought it was correct.

3996. Has that specific charge been made against you?—No.

3997. Mr. *Doulton.*] I understand you to say that you admit the claim of Mr. Martin?—We admit that Mr. Martin is likely to be entitled to rights of common in respect of 2½ acres.

3998. But you do not admit any claim on the part of the copyholders generally?—No.

3999. What is the peculiarity of Mr. Martin's claim?—He is a copyholder, entitled in respect of certain lands in the parish of Tooting.

4000. Do not the copyholders claim on the same ground?—They are not the same class, I believe; but Mr. Bird will explain that more particularly to you. Mr. Martin is equally entitled *pro ratâ* with myself.

4001. I think you stated that your object, when you purchased the common, was to drain it, improve it, and preserve it?—Yes.

4002. Not to build upon it?—Not to build upon it. I thought in after years, possibly, part might be taken for a public institution or a railroad, or something of that kind.

4003. When you applied to the Inclosure Commissioners, was that still your intention?—That was still our intention; but inasmuch as building might have taken place on some of the outskirts, and I thought it would very likely, we were obliged to put it in our application.

4004. But it was not your intention?—It was not my intention to build upon it.

4005. But you would not enter into an agreement not to build?—No, I should not enter into an engagement now not to build upon it; if part of the land is of a certain value only for building purposes, I perhaps should do so.

4006. But your object never was to apply to the Commissioners to build upon it, but really to preserve it?—My object was only to preserve it; but we included building in the request, under the idea that at some future time a place might be wanted by a public institution, or something of the kind.

4007. You say the general impression in the neighbourhood was, that when you had purchased it it would be safe?—That was the general impression in the neighbourhood.

Mr. Henry Doulton, called in; and further Examined.

Mr. *H. Doulton.*

4008. Mr. *Alderman Rose.*] Had you any conversation with Mr. Thompson, the previous witness, as to the inhabitants of this district?—There was a conversation, but it is evident there has been some misapprehension.

4009. Will you explain that?—I noticed by the Bill that there was to be a sale of this manor, and being a new resident, I did not confer with any one on the matter excepting the owner of my own house, the freeholder, who has also 100 acres of land abutting on the common. It struck me to be a matter of moment to him to see that the common was purchased by some one who would keep it in a good state; I therefore went to the solicitors of Mr. Ralph Blegborough, the owner of 100 acres on the common, Messrs. Wordsworth, Greathead, and Blake, and they said they should be very happy to join in any purchase. Knowing Mr. Thompson, I took an opportunity of seeing him one day, and told him this; and I also said to him, "I see the common is for sale, what is to be done about it?" And he said, as far as my memory serves me, that Mr. Miller, the Member for Colchester, had thought of purchasing it, but that it was now understood to be left with him. There was no pledge whatever given as to what Mr. Thompson would do with it, but from my knowledge of Mr. Thompson's character——

4010. *Chairman.*] The question is What did Mr. Thompson say?—Mr. Thompson merely said it was left with him; that Mr. Miller had wished to purchase it, but it was left with him.

4011. Did Mr. Thompson say that he had purchased it for the benefit of the public?—No, certainly not; the Alderman is mistaken in that. The impression on my mind was that by Mr. Thompson purchasing it, it would be perfectly safe. There, I apprehend, is the error.

4012. But the question is this, Did Mr. Thompson in any way give you to understand that that was his intention; did he say so?—No, he did not say so; but my impression was that it was safe in his hands.

4013. Mr. *Doulton.*] Was that the general feeling entertained in the neighbourhood?—I cannot say that; it was my own individual impression.

4014. Mr. Alderman *Rose.*] Had you any impression that Mr. Thompson was going to buy it as building land?—Certainly not. I thought the common was perfectly safe in his hands. Had I supposed that Mr. Thompson was not going to purchase it, I should have made it my business to apply to the residents there to see that it was purchased by some one on whom we could rely.

4015. *Chairman.*] But did Mr. Thompson give you in any way to understand the terms upon which he intended to purchase it?—No; my idea of Mr. Thompson was such that I thought it would be safe in his hands; that is the impression I relied upon, but he gave me no pledge whatever.

Mr. HENRY PEALE BIRD, called in; and Examined.

Mr. *H. P. Bird.*

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4016. *Chairman.*] ARE you a Solicitor?—I am.

4017. What is your firm?—I am alone.

4018. Are you steward of this manor?—I am.

4019. For Mr. Thompson?—Yes.

4020. Now, perhaps you will tell us what you consider to be Mr. Thompson's rights?—He holds the freehold, subject to certain rights of common.

4021. The ordinary rights of a lord of a manor?—Yes.

4022. How many commoners are there?—I believe there are two.

4023. Only two?—I believe but two.

4024. Who are they?—Mrs. Chapman and Mr. Martin.

4025. In what right are they commoners?—They are copyhold tenants on the court roll.

4026. And there are, you say, no other copyhold tenants on the court roll?—None, I believe, who have exercised rights within a great many years. I believe all their rights are barred by time.

4027. That is the ground upon which you say there are no others, because they have not exercised their rights?—Yes.

4028. How have you ascertained that fact that they have never exercised those rights; that is proving a negative, you know?—Everybody having any possible claim, either as a freehold tenant or a copyholder, attempted to prove it at a meeting which was convened by the Commissioners. They appeared and claimed rights with respect to which I consider they have entirely failed.

4029. Has the Commissioner disallowed them?—He has disallowed nothing, the meeting was merely to inquire.

4030. Then the Commissioner has given no decision whatever upon the subject?—Except that the Lord of the Manor had a right to convene this meeting by reason of his interest in the common, and that entitled him to more than one-third.

4031. Then he has decided upon the rights of the Lord of the Manor in that way?—An objection was raised *in limine*, that he had not shown, as Lord of the Manor, any right under the statute that he was entitled to one-third, and Mr. Wetherell, the Assistant Commissioner, decided that he had.

4032. One-third of what?—That he was interested to the extent of one-third of the value of the manor.

4033. That was a preliminary objection which you say was decided by Mr. Wetherell, and then the inquiry went on?—Yes.

4034. How many commoners came and made a claim?—Of so-called commoners there was almost every one in the parish, people having houses, cottages, pigsties, and so on, but no land.

4035. But a pigsty must stand upon something?—It must be either *levant* or *couchant*, and pigsties could not be *levant* or *couchant;* it must be animals.

4036. There must be proper pasturage, and a proper house to take care of the cattle; do you mean to say a pigsty was not large enough; you say people with pigsties made claims?—Yes; people who had houses, cottages, pigsties, donkeys, and so on.

4037. If a person had a donkey he must keep it somewhere?—Yes; on the common.

4038. He exercised some rights, then?—Or wrongs.

4039. But he turned an animal on to the common?—Yes.

4040. And had exercised a right of doing so?—Yes.

4041. I thought you said that nobody but those two persons you mentioned had for an immense time turned anything on the common?—No copyholder.

4042. But the people had?—Oh, there were 400 gipsies there at one time.

4043. But the persons living in the parish had turned out their animals?—They had.

4044. And those persons have claimed rights?—Yes.

4045. And Mr. Wetherell has come to no decision with regard to their rights yet?—None whatever.

4046. How many of those were examined by Mr. Wetherell?—I think 20.

4047. Not more?—I do not remember; he sat three days.

4048. He gave no decision upon any of these cases?—None.

4049. Nor has any document emanated at all from Mr. Wetherell?—No, because these were merely preliminary meetings.

4050. Then all that has been done by Mr. Wetherell has been to hold some preliminary meetings, at which, first of all, he decided that there was a *locus standi* for the Lord of the Manor, and then he went into the question of the commoners?—Yes.

4051. Twenty of those persons, or it may be more, were examined, and gave evidence as to what their rights were?—Yes.

4052. And there the matter remained, as far as Mr. Wetherell was concerned?—Yes.

4053. Besides these preliminary meetings, were there any other meetings?—None.

4054. That is the whole that Mr. Wetherell's inquiry amounts to?—Yes.

4055. He has decided nothing?—Except that the Lord of the Manor had a *locus standi.*

4056. He has not done that officially; he merely satisfied his mind up to a certain point, so as to enable him to go on with the inquiry?—The opposing parties brought down a learned gentleman from the Equity bar; that point was argued, and Mr. Wetherell gave a decision, otherwise the proceedings would have been stopped, because we had no *locus standi;* we could not convene meetings; that was the object of our application to the Commissioners.

4057. Were you the solicitor to Mr. Thompson previously to 1861?—No.

4058. When were you first employed by Mr. Thompson?—My friend Mr. Miller, the Member for Colchester, had retained my services to purchase the common.

4059. What was his object in purchasing the common?—I do not know; all I know is that he desired that I should acquire the property for him.

4060. Then Mr. Miller said he would not compete for it, and left Mr. Thompson in full possession of the field?—Yes; then Mr. Thompson made a similar application to me, as I was living on the common, and had known it for many years.

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4061. Mr. Thompson, then, likewise applied to you?—Yes.

4062. You could not serve two masters?—I did serve two masters at that time.

4063. Did you bid for them both?—I called upon my friend Mr. Miller, and told him that a similar application had been made to me by Mr. Thompson, and Mr. Miller said that he should then retire; he would rather Mr. Thompson had it.

4064. Then you became Mr. Thompson's solicitor?—I did.

4065. With what object were you to buy it for him; to make what you could of it?—I cannot answer that question; I was to buy it as the solicitor of Mr. Thompson.

4066. For as little as you could get it for, of course?—My price was limited.

4067. What was it limited to?—I think it was 4,000 *l.*

4068. Now, had there been any discussion before that with respect to what was to be done with this common?—None.

4069. Nothing previously to 1861?—Nothing at all.

4070. Was it put up for sale by auction?—Yes.

4071. Where was it sold?—At Garraway's; I have the particulars here in the contract.

4072. And you purchased it for Mr. Thompson?—Yes.

4073. The purchase-money was 3,650 *l.*, and the deposit 365 *l.*, making 3,285 *l.*; what does that include?—Timber, and some freehold cottages.

4074. Is that included in the common?—Yes, they were supposed to be held of the manor.

4075. Estimated at 100 *l.* a year?—Yes, they let for 90 *l.*

4076. There are 20 acres of freehold land situated at Tooting Common, let on lease to W. G. Thompson, Esq.?—That is his own house.

4077. Did he purchase that?—No.

4078. Just tell us what he did purchase for this sum of 3,285 *l.*?—The manor and certain freehold cottages.

4079. Tell us which they were?—In Lower Tooting; you will find them described in the particulars.

4080. Is this included in the purchase: "Three copyhold houses, with four cottages in the rear, situate at Lower Tooting, let on lease to Mr. Henry Molyneux at a rent of 100 *l.* per annum"?—Yes.

4081. "Also the manor of Tooting Graveley, with the fees, quit-rents, reliefs, free rents, heriots, and profits from the soil of the manor, sand, loam, and turf, estimated at 100 *l.* per annum, to be sold by auction by Messrs. Prickett and Son"?—Yes.

4082. £.100 was the estimate for the annual value of the rights of the manor?—Yes.

4083. And another 100 *l.* a year for the copyhold houses which were let to Mr. Molyneux?—Yes.

4084. So that the description was a sum of 200 *l.* a year; 100 *l.* rental from Mr. Molyneux, and 100 *l.* from the common?—An assumed value.

4085. And that was purchased for 3,285 *l.*?—It was.

4086. That was a good purchase?—Very.

4087. Did any of the people at Tooting go and bid for this?—I believe so.

4088. Did you see any of them there?—I saw several there, and I believe there were people who bid.

4089. Now, just let me clearly understand this: I asked you what Mr. Thompson bought, you say he did not buy that property which is in his own possession, but he did buy that which was in the possession of Mr. Molyneux?—Yes.

4090. That was included in this 3,285 *l.*?—It was.

4091. And that which was Mr. Molyneux's property was three copyhold houses with four cottages in the rear?—Yes.

4092. Situate at Lower Tooting, let on lease to Mr. Molyneux at 100 *l.* per annum?—Yes.

4093. In addition to that, he likewise purchased the manor of Tooting Graveley, with the fines, quit-rents, and so forth, and that was estimated at 100 *l.* a year?—Yes.

4094. Mr. *Doulton.*] What does it produce?—I believe it brings little or nothing.

4095. *Chairman.*] So that when you purchased that, there was only one clear 100 *l.* a year; the other, as to quit-rents, and so forth, was a speculative matter, put down in these terms by the auctioneer?—Yes; you will see a list of the quit-rents, and there are heriots; amongst others, I pay 3 *d.* a week.

4096. As stated in the particulars of sale, the quit-rents only amount to 2 *l.* 19 *s.* -¾ *d.*; what was there besides?—There were some heriots.

4097. How much do they amount to?—The best beast we have a right to seize in the event of the death of a copyholder.

4098. How many copyholders did you say there were?—There were two; there were other copyholders, but not exercising rights.

4099. Now, immediately after this purchase you were engaged in ascertaining what the exact rights of the copyholders were?—I was.

4100. How soon was it that the Inclosure Commissioners were called in?—In 1863.

4101. What time in 1861 did the purchase take place?—You will find it indorsed on the contract.

4102. In August 1861, was it?—No, it was not concluded then; it hung fire for six months.

4103. When was the conveyance made?—I forget; I did not know I was to be examined here, and I have brought no dates or papers.

4104. At all events, in 1862?—Sometime in 1862; I think it must have been about December 1862.

4105. In December 1862 the purchase was completed?—Yes.

4106. Then it was not until December 1862 that Mr. Thompson actually became the owner of this property?—He became owner from the date of the purchase.

4107. But it hung fire, you say; it was not concluded?—It was a binding contract.

4108. Now, answer me this; in December 1862 the purchase was completed?—Yes.

4109. When was it that Mr. Wetherell commenced operations?—On the 1st April 1863.

4110. Then you went to Mr. Wetherell about four months after the purchase was completed?—No; the contract was entered into in 1861.

4111. The conveyance was made in December 1862?—That is quite right.

4112. Then I am about right when I say that four months after that the Inclosure Commissioner was actually in operation with respect to this common?—I think it very proper diligence.

4113. Whether it is proper or improper is not the question; it is merely a question of fact that I am asking you?—It is so.

4114. You must be aware that it is for people to draw their own inferences as to the propriety?—Yes.

4115. Then you got it before the Commissioner, and this inquiry took place?—I made formal application to the Commissioners; I made a statement as to what the rights of the lord were, verified by a statutory declaration, and the Commissioners then appointed Mr. Wetherell as Assistant Commissioner, and he held this preliminary inquiry.

4116. Then what you did was, to purchase this property, and then immediately set to work to inclose it?—As soon as I could; not to inclose, but to ascertain the rights which the lord possessed.

4117. What did you go to the Inclosure Commissioners for unless it was to inclose?—To ascertain the extent of the lord's rights.

4118. With what view?—To ascertain what he possessed.

4119. But when you go to the Inclosure Commissioners it is to inclose, is it not?—My first application was for regulated pasture, and the Commissioner told me I could not confine my application to that, but that I must apply for an inclosure.

4120. Exactly, that is what I thought; when you go to an Inclosure Commissioner you go to ask him to inclose?—No; for regulated pasture.

4121. He said he would not give you that, but what you must apply for was an inclosure, and you did apply for an inclosure?—Yes; I applied for regulated pasture under the name of an inclosure.

4122. And the Commissioner has not made any award yet?—Nothing has been done, because the Commissioners felt that the matter was very unpalatable to the public, and I believe they are disinclined to move in the matter; that is my impression.

4123. They think it is rather sharp practice?—No; they think the people do not like it, and that the House of Commons will not sanction a Bill.

4124. What led the Commissioner to entertain that opinion?—I do not know.

4125. Was it not that he thought that it was rather sharp practice that this common, which had existed for such a time as an open common, being a very valuable common, with only two commoners upon it, should be purchased in that way for 3,000*l.* and odd, and that three or four months afterwards you should apply for an inclosure?—And why not?

4126. I am only asking you as to what the Commissioner said; he may be quite wrong, you know?—The Commissioner said nothing.

4127. But he had his impression?—I cannot know what his view was; I said what my impression was of what the Commissioner thought.

4128. What was it that led you to entertain that impression; was it that you thought it was rather sharp?—No; common sense.

4129. That it was sharp?—No.

4130. What was it, then?—The Commissioners seemed disinclined to undertake it, as there was a strong public feeling against any inclosure.

4131. Then the Commissioners, who are appointed for the express purpose of making inclosures, and nothing else, have a strong feeling against it?—Precisely so.

4132. The Commissioner did nothing but make those inquiries, and then did not inclose?—No; these preliminary meetings were held, and nothing else was done.

4133. Then the Commissioner would not give notice of any further meeting?—No.

4134. Did you ask him?—No; a treaty sprung up which prevented anything further being done.

4135. Did you apply to the Commissioner to go on?—I did.

4136. What did he say to that?—That gave rise to a correspondence between the Commissioners and myself, and terms were proposed which are embodied in a report which I will submit to you, if you like.

4137. Yes, I should like; who is it from?—From the Inclosure Commissioners.

4138. This is signed by E. Tattersall; who is he?—A clerk, I presume.

4139. This says: "I am directed by the Inclosure Commissioners to inform you that after full consideration of all the circumstances of this proposed inclosure, they are of opinion that 25 acres should be set out as an allotment for exercise and recreation. As regards the remainder of the lands, the Commissioners will feel obliged by your informing them what is the proportion which the lord, if he concur in this proposition, would require should be set out to him in lieu of his right to the soil, and whether that proposition is to be inclusive or exclusive of his right to mines, minerals, as mentioned in the Inclosure Act. A copy of this letter has been sent to Messrs. Scott, of 11, Lincoln's Inn Fields"?—They were the solicitors for the opposing parties.

4140. Then this is your answer: "In your letter to me of the 3d March you propose that 25 acres (being about one-half of the common, deducting roads, &c.) should be set apart as an allotment for exercise and recreation, and (virtually) that the remaining lands shall be apportioned between the Lord of the Manor and the commoners in proportion to be agreed upon. The Inclosure Act, 8 & 9 Vict., c. 118, s. 30, directs that for a population above 2,000 and under 5,000 five acres shall be set apart for exercise and recreation. I am at a loss, therefore, to understand upon what principle it is proposed in a parish of 561 *a.* 2 *r.* 8 *p.*, with a population of 2,055, that 25 acres should be given up to the public free from all claims, and that the residue charged with all expenses is to be left for the lord and commoners, either for arrangement or litigation. The lord proposed to the Assistant Commissioner, and also to the opposing parties, that he should have allotted to him one-half of the common, in full satisfaction of all his rights and interests in the common, whatever they may happen to be, and to give up all claim to the remaining moiety, such moiety to be devoted for exercise and recreation, and to be alone subject to all rights of pasturage, &c., of the commoners, should any such rights be in existence. To this proposal the lord is willing to abide, and on this basis to consider any arrangement for the public interest. Under these circumstances, I trust that, having regard to the nature of the claims set up as against the rights of the lord, you will consider his proposal most liberal, and upon further consideration such as you will feel justified in recommending for adoption." Did Mr. Wetherell recommend anything

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for adoption upon the receipt of that letter?—No, he did not.

4141. Then your negotiations commenced with the opposite party?—Yes.

4142. Without reference to the Commissioners, I suppose?—With reference to this letter.

4143. What arrangement was ultimately come to between you and the commoners, if I may call them so; have you got any document with respect to that?—Yes, I have the heads of the proposed arrangement, dated 14th March 1865, which is in substance what Mr. Doulton has stated in his evidence.

4144. Just tell us shortly what it is?—That the parish should take a moiety of the common charged with the rights, if any, of the commoners, and that the whole residue of the common and waste should be the lord's freehold, released from all claims.

4145. And not to build upon it for 21 years?—Not to build upon it for 21 years from the date of that document.

4146. Is this the agreement: "Mr. Thompson's proposal in letter to Commissioners of 21st May 1864 to form basis of arrangement. The (so-called) moiety to be given up to the public to consist of the south side of the common, as shown by the plan, free from all rights of the lord. The rights of the commoners (should any exist) to be compensated out of such moiety, and all gravel for parish roads to be taken therefrom. Mr. Thompson to have the residue of the common, &c., absolutely, except that he shall not build nor put up fences for 21 years from 21st May 1864. Arrangement to be made as to enclosure expenses. Mr. Bird to ascertain from the Commissioners if it be possible to carry out the suggested arrangement and the mode"?—Yes.

4147. Of about how many acres does the common consist?—About 60.

4148. Then it is about half?—Rather more than that.

4149. This does not much differ from Mr. Wetherell's proposition, does it?—Yes; the Commissioners proposed that the parish should have assigned to them one moiety free, and that the other moiety should go to the lord charged; that is rather a monstrous thing, that we are to give them one-half and take the other half charged.

4150. That was the Commissioners' notion?—I do not know whose notion it was.

4151. You get your 25 acres, by this arrangement, entirely free at the end of 21 years, to do exactly what you like with it, to build upon it, or anything you like?—That is clearly understood.

4152. What is the date of that?—14th March 1865.

4153. Now, previous to this suggested arrangement, how many actions had you brought?—Which arrangement?

4154. This last one?—Six.

4155. When did you bring them?—I cannot tell exactly, but it was many months previously; they might have been tried many months previously.

4156. Was the commencement of those actions immediately after that letter of the Commissioners to you?—Oh, no.

4157. How soon after?—A year, I think.

4158. The date of your answer, I see, is 21st May 1864?—In the early part of 1865 the actions were brought, when a treaty was found to be utterly impossible.

4159. Was there no action brought before 1865?—No.

4160. Then, this treaty was commenced after you brought the actions?—The actions resulted in that treaty; they then saw we were in earnest.

4161. The treaty you mean resulted on the actions?—We should have had no arrangement without the actions.

4162. Then, when you began to treat you began to bring your actions?—No; when we found we could come to no terms whatever with the parties opposing, the only way of testing the rights was by bringing actions.

4163. Then your treaty, after you brought these actions, was re-commenced?—Yes.

4164. You say you brought these actions?—Yes.

4165. Against whom did you bring them?—Alleged copyholders, and trespassers.

4166. What for?—For trespass.

4167. What sort of trespass?—Going on the common, and depasturing cattle on the common, having no rights.

4168. What became of the actions?—Part of our treaty was that they should be suspended with a view to an amicable adjustment.

4169. Did they plead to them?—Yes.

4170. And issue was joined?—No, issue was not joined; I stayed my hand.

4171. Before they pleaded?—No, after.

4172. After they pleaded to the actions you did not go on with them?—Yes, I did.

4173. In what way?—By compelling them to state the grounds on which they claimed their right.

4174. That is the ordinary course; you can apply to a judge at chambers to do that?—Yes, my friend Mr. Chitty did that.

4175. And your friend Mr. Chitty succeeded?—Yes.

4176. He went before a judge at chambers?—Yes.

4177. And the judge ordered that they should give these particulars?—Yes.

4178. And they did so?—Yes.

4179. When you got those particulars, what did you do?—We stopped the actions.

4180. When was that arrangement come to?—It was agreed upon this arrangement being come to that the actions should be stayed, with a view to an arrangement based upon this proposal.

4181. What were the claims they set up?—The usual claim of 100 oxen, 100 sheep, 1,000 of this, and 1,000 of that.

4182. Did they state that in their particulars?—Yes, at all times and all seasons; just like John Doe and Richard Roe, which you recollect in the writs.

4183. However, the greater contains the less; and if they had established their right for a smaller number it would have been good, although they claimed the larger?—Precisely.

4184. I believe that is so?—Yes.

4185. There the matter now stands?—Except that we have agreed.

4186. You have not finally agreed?—We have finally agreed that Mr. Wetherell shall dictate to us the mode in which that agreement shall be carried out.

4187. In what way have you done that, by a binding agreement?—We have had several consultations with him and Mr. Scott, representing the opposing parties. I myself have waited on Mr. Wetherell several times, and it has been agreed that he shall carry out the arrangement between us.

4188. Does

4188. Does not Mr. Wetherell say that he cannot?—No, he says that he can.

4189. I understood that you said he had not the power?—I did not say so. The Commissioners say that, as Commissioners, they have no power; but we applied to Mr. Wetherell merely as the learned barrister and conveyancer.

4190. You applied to him as to making an arrangement between the two parties, which you must make binding by a deed which he is to prepare?—Yes.

4191. That is entirely irrespective of Mr. Wetherell's character as an Inclosure Commissioner?—Yes, he is a peacemaker.

4192. Then, in point of fact, nothing has been definitively settled. What agreement, for instance, had you drawn up previous to going before Mr. Wetherell on the last occasion?—That memorandum which has been read.

4193. I do not see any signatures to it?—No, it is an honourable engagement which is equally binding upon all of us.

4194. In point of law, nothing?—Nothing.

4195. In point of equity, probably, you think it might be something?—No.

4196. Neither at law nor in equity is there anything binding?—There is nothing but the honour of the parties, and that is all; the copyholders have not been consulted yet, so it is reckoning without your host.

4197. If the copyholders have not been consulted, how on earth can you refer this to the arbitration of Mr. Wetherell?—A meeting is proposed to be convened of all parties interested, to listen to the proposed terms, and to express their assent or dissent.

4198. That has not been done?—No.

4199. Then, in point of fact, nothing has been done?—That has been done.

4200. But what does that amount to?—Nothing but an honourable arrangement.

4201. With whom is the honourable arrangement?—The solicitors.

4202. But they have not consulted their clients?—We have, and they have.

4203. The copyholders have not been consulted?—Their clients are the gentlemen who subscribe the fund to oppose the Lord of the Manor, and they take the copyholders under their protection, and defend them in all these actions. These shams are put forward to fight the battles.

4204. Then what is this meeting that you talk about that is to take place?—The solicitor who has been employed by the parties who have subscribed funds for this purpose, has agreed with Mr. Bird, the solicitor and steward to the Lord of the Manor, that that arrangement shall, if possible, be carried out.

4205. That, is if the copyholders agree to it?—If all parties agree, the lord will approve; he can but do so as to his portion.

4206. It is merely incohate?—That is all; of course the lord can approve.

4207. Of course the lord can do as he pleases; but there are a great many other persons to be consulted who have not given in their adhesion?—No; but Mr. Scott represents their interest.

4208. But Mr. Scott has come to no binding agreement with you?—It is an honourable engagement between the solicitors.

4209. He has done nothing on the part of his clients?—Nothing beyond that.

4210. Mr. Alderman *Rose.*] You spoke of shams; do you mean that your giving up half the common is a sham?—I meant the shams on the part of the copyholders, who have expressed their determination not to fight at all unless they are protected.

4211. Who do you apply the word "shams" to?—To the copyholders against whom I brought these actions.

4212. Mr. *Shaw Lefevre.*] You admit, I think, that Mr. Martin and Mrs. Chapman have rights of turning out cattle on the common?—Martin may have a right of *levant* and *couchant* in respect of 2½ acres.

4213. And Mrs. Chapman?—She has a right.

4214. Did they oppose the proceedings before the Inclosure Commissioners?—They opposed.

4215. And they oppose at the present time, I suppose?—No; I believe Mrs. Chapman, with many others in the neighbourhood, has left her case in the hands of Mr. Scott.

4216. With the exception of these two copyholders, you say none of the others have acquired any right at all?—That is all.

4217. Can you tell us in round numbers how many copyholders there are?—I do not know; there may be three copyholders, but there are many free tenants; there are three copyholders, otherwise the manor would die.

4218. Besides copyholders there are free tenants?—Yes, many; Mr. Martin is a free tenant as well as a copyholder.

4219. Have there been many enfranchisements?—None; but there have been many enclosures, and by the very gentlemen who are opposing Mr. Thompson's interest.

4220. There are other cases in which they have consented to the enclosure of parts of the common?—It was the opinion of the rector, and all the influential gentlemen in the neighbourhood, that the inclosure would have been a public benefit if it had been confined to putting villas round the common; that suggestion was made at one of the Assistant Commissioner's meetings, and with that we were perfectly content.

4221. Mr. Alderman *Rose.*] We have understood that at the end of 21 years one-half can be built upon?—It is understood that the Lord of the Manor engaged not to build upon it for 21 years; what he means to do afterwards is more than I can tell.

4222. Mr. *Doulton.*] Have the two persons whom you mentioned just now as copyholders agreed to this proposed arrangement?—They have, with Mr. Scott. A meeting is to be called to ask everybody what they think of the suggested arrangement.

4223. Mr. *Shaw Lefevre.*] Were the persons whom you brought actions against, copyholders?—Persons alleging those rights: Mr. Martin was one.

4224. Did you search the copy of the court rolls to see whether they were on them?—Yes.

4225. Were they?—Martin was.

4226. Had he been in the habit of turning out cattle?—Sometimes he has been in the habit of turning out 500 sheep and 20 cows; for two and a half acres his right would allow him three cows.

4227. Do you say that Mr. Martin was one of the persons that you brought an action against?—Yes; I brought an action against him for surcharging, and denying his right.

4228. *Chairman.*] Then you must get a verdict against you there?—No, we must have a verdict under any circumstances against him for the excess. These are the shams which were put forward.

4229. Do you not say he has a right?—I say he has a right to two cows, and we shall get a verdict against him for the excess, as Mr. Kemplay says.

J. Thwaites, Esq.

11 May 1865.

JOHN THWAITES, Esq., called in; and Examined.

4230. Mr. *Doulton.*] YOU are Chairman of the Metropolitan Board of Works?—Yes.

4231. What is the extent of the jurisdiction of the Board?—One hundred and seventeen and a-half square miles.

4232. There is no definite limit round London?—No.

4233. What are the sources of revenue?—By direct taxation on the ratepayers, by means of a sewers rate.

4234. Will you be good enough to tell us the amount received for general purposes and for main drainage purposes in the last year, for instance?—I suppose the main drainage rate would produce 170,000 *l.* or 180,000 *l.* a year.

4235. And for general purposes?—Probably 130,000 *l.*

4236. The main drainage rate is 3 *d.* in the pound, is it not?—Yes, on the basis of the county rate.

4237. What proportion of the coal dues does the Board receive?—The 9 *d.* dues.

4238. How is that appropriated?—To the purposes of the Thames Embankment, and to the formation of a street from Blackfriars Bridge to the Mansion House.

4239. Especially for that object?—Yes, and the embankment on the south side.

4240. Have you any idea of the liabilities that are incurred in respect of the various works, main drainage, Thames Embankment, and the new street?—Since the formation of the Board I should suppose about 8,000,000 *l.* sterling.

4241. How long has the Board been in existence?—Between nine and ten years.

4242. Is it not proposed to hand over to the Board the charge of the Fire Brigade?—Yes.

4243. At what cost?—At a cost to the Board of perhaps 30,000 *l.* per annum, besides a considerable outlay in the first instance for station purposes.

4244. I believe the Board has had under its consideration from time to time the question of parks?—Yes.

4245. What parks have they formed?—They have purchased land for the formation of a park in the borough of Finsbury, and they are now negotiating for the purchase of land in the borough of Southwark.

4246. At what cost was the Finsbury Park acquired?—For a sum of between 50,000 *l.* and 60,000 *l.*

4247. Of how many acres does it consist?—About 120.

4248. What is the extent of the Bermondsey Park?—About 60 acres.

4249. What is the estimated cost of that?—That is a question which is now under consideration, and it is difficult to give an estimate.

4250. I suppose that the Board has had before it some estimate?—The estimate has varied from 700 *l.* to 1,000 *l.* an acre; a portion of that it is proposed to appropriate for building purposes, so as to secure a return of some portion of the outlay.

4251. You are aware, probably, that this Committee have extended their inquiry to a distance of 25 miles around London; do you think it possible or practicable to give to the Metropolitan Board of Works charge over all the commons and open spaces in so wide a district?—I do not.

4252. What limit do you propose that the Board should take cognizance of?—I think that the limit should be a reasonable one, not extending beyond that of the police area, which is 12 or 15 miles round London.

4253. The district under the charge of the Metropolitan Board of Works is formed by parishes, is it not?—By parishes.

4254. One reason for limiting the area of the Metropolitan Board to 15 miles, may be that the metropolitan district is chargeable with the coal tax?—The police area is the area for the taxation upon coal.

4255. That would be one reason why the jurisdiction of the Metropolitan Board of Works should extend that distance?—It should not extend beyond that.

4256. Supposing the Board to be empowered to sell portions of the Commons and Open Spaces which are the subject of our inquiry, for the purpose of meeting the expenses, would the Board be willing to raise the small sum of money that would he required for their management?—I think that the Board would; the question has been carefully considered by the Board, and the resolution has been agreed to which, with your permission, I will read: "That it is highly desirable to preserve the open commons and spaces near the metropolis for public recreation and enjoyment, such open spaces to remain uninclosed; and that the Board should compensate the Lords of the Manors and the commoners for any rights of which they may be deprived. That towards meeting the expenditure to be incurred, power should be given to this Board to sell certain portions of such open spaces for building or other purposes." That was passed on the 5th of May in this year.

4257. Was it an unanimous expression of opinion on the part of the Board?—Yes.

4258. I think you said just now that all rates at present are upon the principle of the sewers rate?—That is so.

4259. Which practically is a rate upon the tenant?—Upon the occupier.

4260. Do the gronnd landlords pay in any shape whatever?—Most of the large ground landlords of the metropolis escape payment, making their tenants covenant to pay all the rates and and charges, including sewers rates.

4261. So that, in fact, the Marquis of Westminster and Lord Portman contribute little, if anything, to the great improvements carried on in the metropolis?—Nothing whatever. It is held in theory that the tenant covenanting to pay the several rates, in point of fact implies a reduction in the rental, but in practice it is not so; for example, under the long leases of the property to which you have referred, the main drainage rate fixed by Parliament at 3 *d.* in the pound on the county rate the tenant is called upon under that covenant to pay, although it could not have been taken into consideration at the time the bargain was made between the landlord and tenant. It is, in point of fact, a charge upon the occupier. The large proprietors and other proprietors escape contribution towards the metropolitan improvements; and I think that is a question well deserving the attention, and must receive the attention of Parliament before long, if these improvements are to be carried out.

4262. When

4262. When does the main drainage rate expire?—When it discharges its liabilities, which we expect will be in the course of about 38 years from the time that it was first charged in 1858.

4263. The result is, that towards the greatest improvement of this metropolis the ground landlords do not, as a rule, contribute?—No. I think that for the substantial improvement of the metropolis the freeholders should contribute, that is to say, that the Board should have powers to charge a property rate very much upon the principle of the property tax, which should not be deducted from the rent, but which should be a direct charge upon the property, limited, of course, so that the occupier might pay his fair proportion of the outlay necessary for the improvement of the metropolis.

4264. Has the Board considered the advisability of imposing an improvement rate?—We have.

4265. What does 1 *d.* in the pound produce at the present time upon the whole of the metropolis?—On the county rate, about 60,000 *l.* a year.

4266. The 1 *d.* improvement rate would, of course, enable the Board to undertake many improvements besides parks and open spaces?—No doubt, to that extent.

4267. Is it your opinion that from the want of other sources of taxation large improvements are delayed in the metropolis?—There is no doubt of it.

4268. How are the expenses for Finsbury and Southwark Parks to be defrayed?—Out of the sewers' rate.

4269. Have you any other improvements in contemplation?—A great many.

4270. The question of Hampstead Heath has been before the Board, I believe, several times?—Yes

4271. That has been delayed for want of funds?—Yes.

4272. What is the general feeling of the Board in reference to Hampstead Heath?—That it should be preserved; the Board are willing to undertake a fair and reasonable liability to secure that great public object.

4273. With reference to commons and open spaces, would the Board have any objection to a controlling power being vested in some authorised body, such as the Board of Trade or Commissioners, whose consent should be necessary before disposing of any land for building purposes?—I should think not.

4274. I can quite understand that such a Board as yours might be induced to sell more of the commons and open spaces for the purpose of building than would be advisable. You do not think that the Board would object to a veto being placed in the hands of some such body as I have referred to?—I think not; I think there need be no fear of the Board selling an undue proportion.

4275. Has the Board already machinery that would be appropriated for the purchase and sale of this property, and for carrying out such duties as I have indicated?—Yes, we have perfect machinery for that purpose, which has been some time in operation in purchasing property for other improvements.

4276. I believe you have had some correspondence with the Government in relation to some of these commons and open spaces?—Yes.

4277. More especially with respect to Blackheath?—Yes.

4278. I believe that last Session, or the last Session but one, Parliament gave to the Board, by a Standing Order, a general *locus standi* upon Railway Bills?—Yes.

4279. Would it, in your judgment, be desirable to grant to the Board similar powers in relation to these commons and open spaces?—Clearly; that question is now raised before the Wimbledon Common Committee; it will be determined, I believe, to-morrow.

4280. Has the Board petitioned against the Wimbledon Common Bill?—Yes; part of the common is within our area.

4281. Do you know the grounds upon which they object to your *locus standi*?—No; I believe it comes on for argument to-morrow.

4282. I suppose that the ground of opposition taken by the Board, is the fact of the Bill contemplating an inclosure?—Clearly.

4283. Mr. *Tollemache.*] Was the amount for the purchase of Finsbury Park raised within a small area, or throughout the district?—Throughout the whole metropolitan area of 117½ square miles.

4284. Whatever distance one part of your district may be from Finsbury Park, still it has contributed towards the rate?—All our charges now are metropolitan charges.

4285. In the event of these open spaces being placed under your management, and of your entering into arrangements with lords of the manors to secure them for the use of the public, the necessary funds would be raised throughout the district?—Quite so.

4286. In fact, all your sources of revenue would be applicable to that purpose, with the exception of coal duties?—That is so.

4287. Mr. *Peacocke.*] Can you give us some general idea of your district; does it extend so many miles?—It is very irregular; it is bounded by a part of Wimbledon Common and Putney.

4288. Taking any central part, can you tell us how far it extends in different directions?—It varies very much, it depends upon the Registrar General's district; it commences at Kilburn, and then extends to the Erith Marshes on the one side, and from Tooting Common to Hampstead on the other.

4289. Of how many members does your Board consist?—Forty-six.

4290. Elected, I believe, by a system of double election?—They are elected by the vestries.

4291. How long do the members sit upon the Board?—They are elected for three years; one-third go out each year.

4292. You have power to purchase lands for making parks, have you not?—Yes.

4293. But you have no power to purchase common rights?—Not to hold.

4294. You made a suggestion just now, which I venture to think is a very good one, that you should have a *locus standi* before committees; do not you think that when railway companies are proposing to cross an open space they should be bound to send you in notice to the effect?—Our *locus standi* with reference to railway companies is sufficient; they deposit plans and sections with us according to the Standing Order; but if the area for these open spaces is to be extended, it is necessary that we should have our *locus standi* undisputed, so that we may have an opportunity of advancing the interests of the public.

4295. Mr. Alderman *Rose.*] Are you aware that this Committee voted against the scheme of Lord Spencer?—Yes.

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4296. Do not you think that it would be rather more satisfactory to the public that the expense of management of commons and open spaces should be paid for by a rate rather than by selling land?—No; I do not think it would be so satisfactory to the public.

4297. The public would get the advantage?—The public would get the advantage of being taxed for a larger amount, especially if the value of the land was to be valued on the basis referred to in the case of Tooting Common.

4298. Having heard that evidence, do you not think that it would be an extraordinary power to give any public body to raise the money by selling land for building purposes?—It is not building powers that we ask for, but for power to dispose of certain portions of the land, dedicating in perpetuity the major part for the use of the public, in order to release the ratepayers from the serious charge that would result from the purchase of these open spaces. It is a question of funds. That is the great difficulty, and I believe that this Committee will find the same difficulty.

4299. Mr. *Kinnaird.*] Do not you think that many of these open spaces securing to the public all they can want, some of the outlying portions might be built upon judiciously, so as to recoup a great deal of the original expense?—I think that in most cases of open spaces around the metropolis, a limited portion might be disposed of for building purposes without the slightest injury to the public.

4300. If Hampstead Heath had early been dealt with in that sense, by a judicious purchaser, all that we want might have been secured as recreation ground, and it might have been made to pay?—I am not sure about its being made to pay; but it would have been a great benefit to the public.

4301. Supposing that any of your constituents wrote to you about any space which is likely to be inclosed, do you send an officer to inquire into it?—Yes. We have officers whose duty it is to examine property, especially buildings projecting beyond the regular line, and encroaching upon light and air.

4302. I mean with reference to commons and open spaces?—Yes.

4303. You have no power of controlling the Lord of the Manor?—We have no power to interfere.

4304. Do you think the present system adopted by the Inclosure Commissioners as satisfactory to the public; is sufficient warning given to the public of proposed inclosures?—I think that no open space near to a large town should be inclosed without the question being fairly raised before Parliament, so that all parties might have notice.

4305. You would be in favour of some alteration in the mode of maintaining inclosures within 25 miles of London?—Yes, such an alteration as would publish the fact.

4306. And secure its merits being brought before Parliament?—Yes.

4307. You say you had a communication from Mr. Gore about Blackheath?—Yes, I believe the correspondence has been put in.

4308. Did it not occur to you as very unsatisfactory?—Exceedingly unsatisfactory.

4309. Does it not strike you as very unreasonable that a paid officer of the Crown who is supposed to represent the interest of the public thinks it his duty not to listen to any suggestion but for making money out of the property, considering that he has nothing to do with the comfort of the public?—I should not like to pronounce an opinion upon the conduct of Mr. Gore, but the fact itself is discreditable.

4310. I believe it is not the first time that your Board, attending manifestly to the interests of the public, have found obstacles in dealing with that office?—In the case of the Thames Embankment, we were inclosing a large portion of the foreshore of the river; we were prepared to deal with all parties having an interest in that foreshore, and we clearly understood that the Crown had an interest; we were under the impression that that was a nominal interest, and that we should have no difficulty, but when we came to the question of inclosing, we were called upon to pay at the rate of 1,000 *l* an acre for every acre inclosed. We, in our innocence, imagined that the Crown would assist in carrying out a public improvement, but the contrary system seemed to prevail, and we were obliged to pay, as I have just stated, at the rate of 1,000 *l.* an acre. I understand that the position Mr. Gore takes is that of trustee.

4311. Is not that manifestly greatly to the inconvenience of the public at large. I suppose that the delay that was caused was very great?—The inconvenience to the public of the metropolis was to this extent, that they had to pay about 27,000 *l.* for an interest that was nominal, and which we thought would have been waived on behalf of a great public improvement.

4312. There was great delay, was there not, also?—Yes, considerable delay.

4313. And considerable expense in investigating?—Yes.

4314. You hold, do you not, that these Crown lands are *bonâ fide* Crown lands for the benefit of the nation at large?—I am unable to speak of the legal holding.

4315. That is your impression?—The nominal right over the foreshore of the river appeared to us a matter of very small moment, but it turned out a very substantial question.

4316. You would be glad to see a remedy applied to this most incongruous state of things, two public departments delaying one another?—I should be very glad to have it well settled before we commence our embankment on the south side.

4317. I think you have had the same difficulty with reference to Hamilton-place?—We have been opposed.

4318. Was not the same claim made for passing through the gardens?—Yes, so far as that part of the park through which the proposed road was to pass was under the control of the Office of Works. The First Commissioner kindly stated from the first that he was prepared to waive any question of payment, and to give it up for the use of the public.

4319. It was the Office of Woods that interposed the obstacle?—It was the Office of Works that alleged that it was its duty to protect the interest of the Crown.

4320. Do you think that the public service is considerably damaged by such obstacles?—I think the public convenience is damaged by the non-passing of that Bill, and the result will be seen in the course of a few years.

4321. Under whose jurisdiction is such an open space as Leicester-square?—That is a very difficult question, and it has been very much contested for some time. Under the Gardens Bill we have power to take possession of any open spaces of which there are no owners who properly

properly care for the open space; and in the exercise of our powers we have repaired the fence, and placed up a notice that we should, after a given date, proceed to repair and lay it out. Since that notice has been placed we have received communications from parties alleging that they are freeholders, and, I believe, that we are now to be taken as trespassers, and the question of right will shortly be dealt with in a court of law.

4322. Mr. *Doulton.*] That accounts for the state in which the square is?—Yes.

4323. Mr. *Shaw Lefevre.*] Are the Board prepared to dispute the question with these alleged freeholders?—We are. If they establish their right we shall be ousted, but if they fail we shall take the square and keep it in proper order.

4324. Is that the only case in which you have interfered under the Gardens Act?—The only case.

4325. The result of the claim of the Crown on the Thames Embankment was that the ratepayers, as I understand, had to pay 27,000 *l.*?—For land which appeared to us to be of a nominal value, because it could only be estimated as building ground, and it became building ground as we built our retaining wall in front, and filled it up.

4326. Except for the embankment works, which are at the expense of the metropolis, that land would never have been reclaimed at all?—Never.

4327. Has your Board considered the value of the open spaces within 15 miles around London?—I am unable to speak as to that.

4328. Or what would be the expense of compensating the lords of manors?—No.

4329. Supposing that it would require a considerable sum beyond the amount realised from the land, would the Board raise it by taxing the ratepayers?—Our views are based upon this principle, that we are willing to compensate the lords and the copyholders for any rights of which they may be deprived; but we are not prepared to approach the question on the principle suggested to-day, that the copyholders and lords of the manors should assume that the land is building land.

4330. Is not that the real difficulty, namely, whether it is to be valued as building land, or whether the rights of the lord of the manor are to be valued simply as they have been exercised?—That is the great difficulty; and the question is, whether Parliament, in giving powers, would go so far as to state that the compensation to be awarded shall be based upon the income and the rights of the parties at the time the notice was given.

4331. Would it be necessary that any Act of Parliament, giving to the Board of Works the power of dealing with these commons, should expressly direct that no compensation should be given to lords of manors on the assumption that the land was building land?—Quite necessary. If an arbitrator were appointed on the principle that he should have regard to the income and to the rights of which the parties were deprived, but not to the prospective value, that would be perfectly well understood.

4332. Do you know how an arbitrator would direct a jury upon that question?—I think it is rather doubtful.

4333. That is one of the great difficulties, is it not?—It is a very great difficulty.

4334. Have you had negotiations with the Lord of the Manor of Hampstead Heath?—We have.

4335. Do you know in respect of what he has made a claim for compensation?—We have not been able to ascertain the value which he attaches to that property. We are anxious to secure to the public a portion of the Heath.

4336. Has it been intimated to you that he claims the building value of the land?—Not through Sir Thomas Wilson himself; but it has been so stated.

4337. Will it be possible for the Board of Works to raise money on that understanding by taxation?—Not if it became a question of 800 *l.* or 1,000 *l.* an acre.

4338. Have you considered a scheme of compensating him to some extent beyond his manorial rights?—If we could purchase upon the same principle as that upon which the gentleman has purchased the manorial rights of Tooting Common, and found that there were but two copyholders, it would be very satisfactory to us.

4339. Do you think it necessary to purchase the copyholders' right at all; might you not rest satisfied with the purchase of the rights of the Lord of the Manor?—That might be done.

4340. Have you not already the power of doing so?—No.

4341. You have the power of making parks?—We have; but we always go to Parliament when we are about to purchase.

4342. Did you purchase Finsbury and Southwark Parks under special Acts of Parliament?—Yes.

4343. Under your present Act, have you no power of holding lands?—I think not.

4344. We have a return which shows the number of open spaces and commons within 15 miles of London, and the extent of them appears to be 20,000 acres; have you formed any opinion as to what it would cost to compensate the lords of manors in respect of all those open spaces?—We have not.

4335*. Supposing it involved a payment of 50 *l.* an acre, that would amount to a million of money; would the Board be able to raise that money?—I suppose it would be a question of gradual development. You would not approach the purchase of them all at once, but only in the event of attempts being made to inclose, as in the case of Wimbledon Common.

4336*. The great value of these spaces is that they should be left as open spaces?—The Board have a very strong view upon that point, that they ought to be left in the condition in which they exist at present.

4337*. Does not a great deal of the value of the open spaces consist in the great expanse of them, and would they not be considerably diminished in value by any curtailment?—I think that the public would be satisfied with a reasonable area.

4338*. Do you think that it would be reasonable to sell portions of the commons in one part, in order to purchase the rights of common in another part of London?—It might be so.

4339*. Take the case of Hampstead Heath, would it be possible to sell any of it?—I think that there are many parts of the Heath which might be built over with advantage.

4340*. Sufficient to purchase the rights over the remainder, do you think?—I am not prepared to say that.

4341*. Have you formed any opinion as to the amount which it would be reasonable to ask the taxpayers to contribute towards this?—That is a very

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very difficult question. There is no special reason for purchasing open spaces so long as the interests of the public are not threatened, and therefore it would not be necessary to expend money in securing to the public that which they are already enjoying.

4342*. But looking at the possibility of these commons getting into the hands of persons who would be likely to inclose, would it not be desirable to purchase them at once? — Supposing that Parliament were willing to grant to the Board the necessary powers to retain these open spaces, the Committee would probably feel it necessary to direct its attention, first, to enable the Board to dispose of land for building purposes, and also to provide some other means of raising the funds than by a sewers rate. I am satisfied that without that it would be utterly impossible for us to act, having regard to the present claims on us for improvements, which must be carried out very shortly; I mean street improvements. We must be aided by some indirect means, either by an addition to the coal tax, or by a property tax, which would be distinct and separate from the sewers rate.

4343*. You think that it should fall upon the owners of property?—Independent of any covenant they make with their tenants, and which rate should be levied as the property tax is.

4344*. You have not formed any idea of the sum that it would be necessary to raise for that purpose?—I have not.

4345. Do you know of any similar case to Leicester-square, where covenants between the original owner and the occupiers of the neighbouring houses have fallen through, and there is a prospect of the square being built upon?—I do not; we have had them all examined within our area, and I believe that Leicester-square is peculiar in that respect.

4346. Do you believe that there is a probability which ought to be provided for by legislation, of some of these squares being built over?—That is provided for in the Act to which I referred; of course Parliament would respect the rights of property; and if A. or B. proved a title to the freehold, there would be an end of the Board's interference.

4347. Would it not be reasonable in future, where squares are made by the owners of property, that they should not have the power afterwards of building upon them?—I think it would be very injurious to the metropolis if an attempt were made to build over those squares.

4348. At present there is nothing to prevent the owners building upon them, except the covenant between the owners of the fee of the soil, and the persons living in the adjoining houses?—That is so, I believe.

4349. By lapse of time there might be a difficulty in enforcing the covenants?—The public have no rights in respect of these squares; they are private property. It is a matter of great moment, and has given the Board some anxiety, as they wish to preserve these open spaces. The Board are about to form two important parks. The population in London has doubled in 40 years; and it is very important, looking ahead at the probable future requirements of the metropolis, and to the possibility of preserving the health of such an immense population, 3,000,000, grouped together within a comparatively limited area, that we should be able to preserve these open spaces.

4350. Supposing that those who claim the right to the freehold of Leicester-square substantiate their right, have you the means of purchasing their rights?—We are willing to do so, supposing that the proper funds are placed at our disposal.

4351. Would it require a considerable sum to purchase Leicester-square?—I should think not, if the value of the property to the parties now is to be the basis of the purchase.

4352. If they have the absolute right to the freehold, the value would be considerable?—If they had a right to build.

4353. Would it not be proper to provide that squares formed in future should not afterwards be built upon?—I do not apprehend that Parliament would be prepared to interfere with the rights of property to that extent, because, if a party chooses to lay out three or four squares on a small estate for his own convenience, and afterwards to deal with that, where his title to the freehold is undisputed, I think it would be dangerous to interfere with the rights of the public to that extent.

4354. *Chairman.*] If a person has property in the metropolis, and wishes to build streets, you insist upon their being of a certain width?—We do.

4355. When a man builds a square, is there anything interfering more with the rights of property in saying that he shall leave that as a square, than in saying that he shall make his streets of a certain width?—There is a marked distinction between an ordinary thoroughfare, the width of which must be sufficient to facilitate the traffic, and a square, which may be very disproportioned to the land which it occupies. The direct action of such a law as you proposed would be this, that parties would not build squares; and it is to the interest of the population of the metropolis to encourage the formation of squares.

4356. When a man builds anything at all, whether a square or a street, he has a view to his own interest; if he builds a square, it is with the idea that his houses will command a higher rent?—That depends upon the state of circumstances that may afterwards arise; if it should become a commercial district, he might appropriate the land very much to his interest by building over the square. If it became known that a party forming a square was dedicating that in perpetuity to the public, I say that it would prevent those open spaces being left, and the parties would lay out their property in a manner not to the interest of the public.

4357. Mr. *Shaw Lefevre.*] Has not the Board in the case of streets with gardens running down to the road, the power of preventing the gardens from being built upon?—Yes.

4358. Is not that an interference with the rights of property similar to that which I have mentioned?—Probably it is.

4359. Mr. Alderman *Rose.*] Do you suggest that there should be an increased coal tax and a property tax as an alternative mode of raising the money?—Yes.

4360. Then, do I understand you to say, that if you had the powers to sell land, you would sell land on Wimbledon Common to make an inclosure at Highgate?—No; I have said nothing of the kind.

4361. Do you mean that the money raised upon each common should be expended upon that common?—The result would be, that there must be a considerable expenditure of money beyond the amount reimbursed for the sale of land. I

do

do not think that in any case the land disposed of would be sufficient to defray the expense.

4362. You have heard the evidence given with reference to the value of property on Tooting Common?—Yes.

4363. Taking that as your estimate, you would have a large fund instead of a deficiency?—It depends upon what you give for the land originally.

4364. *Chairman.*] Where a man chooses to lay out squares, is there anything objectionable in forcing the same restrictions as apply to a person laying out streets?—We can have no possible objection.

4365. There is one question which I should like to ask you about this system of rating the landlords. It will be in your recollection that when the Thames Embankment Bill was before the House, a great many petitions from occupiers were presented, urging that a rate ought to be placed upon property, because their tenure was short, and that the reversioner was most benefited. That was rejected, I believe?—Yes.

4366. With regard to land that is leased subsequently to this rate being made for the purpose of keeping open spaces, of course it would be immaterial whether the rate was imposed upon the landlord or upon the tenant, because the landlord would charge as much, would he not?—That is the theory, but not the practice.

4367. Do you think where a rate is imposed each person bears his own burden?—I think it is quite competent to Parliament to make a property rate independent of the tenant, because if in any subsequent agreements the landlord says, I am taxed for this particular purpose, and therefore I will raise my rent, that is a matter of bargain between them.

4368. In the City, I believe, the sewers rate is upon property, is it not?—Yes.

4369. Do you know any instance of a landlord paying it; is it not universal that in all leases in the City the tenant undertakes to pay those rates?—No doubt in most of the leases that is so.

4370. Then, in point of fact, supposing that a tenant has to pay the rates, he will give less rent for the land or the houses, and therefore, after all, it falls upon the landlord whether the occupier pays or the landlord pays?—That is the theory, but it is not so in practice. I myself took premises, agreeing to pay all rates and taxes, sewers rates and land taxes. To my surprise the first land-tax that was applied for was at the rate of 3*s.* 10*d.* in the pound. I had no notion that such a large tax could he placed upon premises, but it was so, and therefore, so far as I was concerned, I took it in ignorance. That charge was upon me, and did not give any reduction of the rent.

4371. But when you signed that lease you knew that you were to pay all sewers rates, although you did not know exactly what they would amount to?—Nor can anyone know. Parliament fixes a special rate of 3*d.* in the pound for main drainage purposes. In all leases prior to that arrangement it could form no part of the consideration when the bargain was made.

4372. In the case you mention you have a special agreement that this shall be got rid of in the case of landlord and tenant, inasmuch as the tenant, in taking the lease, makes himself liable to the burden which the law imposes upon the landlord?—Where there is a proviso to make it a property rate (and I use this term advisedly) there it shall be dealt with in the same manner as the property tax, and it shall not be competent to the landlord to charge it. Under the sewers rate proper a covenant into which the parties have entered must be respected.

4373. You put it upon the same principle as the property tax?—That is so. The charge for our drainage purposes so very much improves the value of property in the metropolis, that surely some of the expense should fall on the parties who will have the reversion.

4374. How much did you say that the Government had received from you for the foreshore?—I believe 27,000*l.*; that I suppose would be divided between the Crown and the Thames Conservancy Board, but in what proportion, I am unable to state; that is the sum we paid.

4375. Upon what principle was that payment assessed, because no part of the foreshore could be built upon under the Thames Embankment Act?—No.

4376. Is it simply that building this embankment will render the land adjoining it more valuable?—No; I suppose the principle adopted was this, that the Crown and the Thames Conservancy Board, under the recent Act, transferring it to a general Board, were in the habit, from time to time, of selling portions of the land to wharfingers, their walls encroaching upon the foreshore, and they paying certain sums to the Thames Conservancy Board and to the Crown, to be divided as directed by the Act. I believe that was the basis on which they calculated the 1,000*l.* per acre.

4377. In the same way as a private individual, with a wharf on the side of the river, wishing to enlarge his wharf, would pay a sum of money to the Thames Conservancy?—That is so.

4378. Thus it was a tax upon the improvement?—Yes.

4379. Because the Board of Works did not turn it to any mercantile purpose, it was merely dedicating it to the public?—Quite so.

4380. Consequently, the Crown were deducting so much money from the pockets of the ratepayers of the metropolis?—That is so.

4381. You have not had any experience in compensation cases between lords of manors and commoners?—No.

4382. You do not know the principle upon which they would proceed?—Not at all.

4383. I believe the principle is that you take the value of the land at the time?—At the time.

4384. But still it would be competent to a jury to consider whether, at the time, supposing that the lord of the manor and the commoners were to choose to agree together to inclose the common, they were not entitled to take into consideration what it would be worth when so inclosed?—Under the present law that would be the case.

4385. Would not that be like compensating for the fee?—They would have to prove their right first.

4386. Supposing they came before a jury and said, "We have agreed to inclose this," it would be contended that the property was turned into a fee, and that they might claim compensation for it as a fee?—If the parties approach a jury, having removed all difficulties in the way of an inclosure, and submit an agreement by which all parties agree that an inclosure shall take place, no doubt the value of the property to the lord would be much greater; but now the question is raised before this Committee, and it is for Parliament to deal with these open spaces.

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4387. Do you not think that it would be necessary to have some enactment?—I think so, clearly; and it might be a question whether the attention of the jury should not be directed to the value of the property to the parties at the time the notice was given.

4388. In the state it is in then?—Just so.

4389. Mr. *Lyall.*] You think that it would not be safe to leave those rights to be compensated under the law as it now is?—Supposing that we were to approach the question of Blackheath, and the Crown were to allege that the land, by certain improvements, could be converted into building land, a demand might be made of 500*l.* or 600*l.* an acre, in lieu of the 50*l.* which they now receive for spoiling Blackheath, and that would alter the aspect of the whole thing; it would probably prevent its being kept as an open space.

4390. Do you not think that, if a law were passed that the Metropolitan Board of Works should have power to purchase these commons, and directing the mode in which the compensation was to be arrived at, the lords of manors and commoners would rapidly put their heads together and agree to an inclosure, thus making the property more valuable?—If the present value is to be the basis of the purchase, there would be no result from that combination.

4391. But it must be the present value without reference to an inclosure turning it into building land?—No doubt. It is impossible for anybody to purchase these open spaces if the value is to be calculated as building land.

4392. If the lord of the manor and the commoners agree to inclose, they convert it into building land?—They do.

4393. Then they would contend that you are interfering with their vested rights. What enactment would you suggest that should not interfere with the rights of property?—The mildest course would be to compel all parties to come to Parliament before inclosing an open space.

4394. You would now allow them to go before Inclosure Commissioners, merely naming the places in a schedule, which gives no notice to Parliament?—That is no security; if a general impression be created that Parliament intends to deal with this matter, we shall have prompt action on the part of lords and commoners, anticipating Parliament, and inclosing to the prejudice of the public.

4395. Manorial rights being like freehold property, would it be fair, without compensation, to interfere by a legislative enactment with those rights?—No, I propose to give them full compensation.

4396. Compensation as for manorial rights only?—Which is all they possess.

4397. If I have property near a common like Banstead Common, and have rights over that common, knowing that all the land about there is worth 100*l.* or 150*l.* an acre, and knowing also that there are several propositions for inclosures, and Parliament steps in, is it not an interference with property unless compensation is given?—Parliament is supposed to give compensation.

4398. But only you say the agricultural value, and not the building value; I ask whether that would be fair under the circumstances?—I think that commons must be looked upon as distinct from freeholds. It is a great mistake to suppose that the lord of a manor is a freeholder pure and simple; he has the freehold subject to the rights of others.

4399. Mr. Alcock has given evidence before this Committee, and has proposed to transfer all his rights as Lord of the Manor of Banstead, which includes a common of about 1,400 acres, to certain Commissioners for the benefit of the public. Would the Metropolitan Board of Works be willing to undertake that charge?—I should think so; it is a great public object secured at small expense.

4400. *Chairman.*] But, at the same time, Mr. Alcock would stipulate that the Metropolitan Board of Works should undertake not to part with the common, but always to keep it open for the benefit of the public?—So I understand.

4401. They would then become the lords of the manor, and no inclosure could ever take place; do you not consider that an advantageous offer, as far as the public are concerned?—If it be kept uninclosed, as it is now, all public objects would be attained.

4402. If you had a favourable opportunity you might buy up the commoners' rights, or you might let them remain in abeyance; you might deal first of all with the lords of manors if they were willing to convey?—That, of course, would somewhat lessen the expense.

4403. Mr. *Lyall.*] You are aware that no common can be inclosed except by consent of the lord of the manor?—Quite so.

4404. Mr. *Torrens.*] I understand you to say it is a mistake to suppose that the lord of the manor is the owner of fee-simple?—I stated that it was a mistake to suppose that the lord of the manor is the freeholder pure and simple.

4405. Can you favour the Committee with any authority for that opinion?—For the reason I stated, that his rights, whatever they are, are subject to the rights of copyholders, and all rights that may have grown up under that holding; he cannot exercise the rights of a freeholder without the consent of the parties interested.

4406. Mr. *Shaw Lefevre.*] Does the Board exercise a supervision over the public footpaths?—The district Boards do.

4407. If a footpath is shut up, can they interfere on behalf of the public?—Yes.

4408. Mr. *Tollemache.*] I understand you to say, that the Metropolitan Board of Works, notwithstanding their present heavy duties, would be willing to take upon themselves the superintendence of these open spaces, if the necessary powers are given to them; but would they do that with their present sources of revenue?—My answer pointed to two conditions, first, that Parliament should give us power to dispose of certain portions of land to recoup ourselves part of the expense; and secondly, that we should have some auxiliary aid to our funds, that is some indirect taxation, or some special rate upon property, such as I have described, to enable us to find the sum plus that which we should receive from the sale of land, and to sustain these open spaces year by year. Parties must be appointed to take charge of them, so that they may be enjoyed by the public free from nuisance.

4409. Some part of the expense would be met by sale of portions of these open spaces; but beyond that a considerable burden would fall upon the Board?—No doubt.

4410. Are we to understand that, with your present sources of revenue, you would not undertake the duty?—I believe it would be impossible, having regard to the improvements that must necessarily be carried out, if we are limited to a sewers rate.

4411. If

4411. If this Committee should recommend that these powers be conferred upon the Metropolitan Board of Works, you consider that you must be supplied with additional sources of revenue?—Clearly.

4412. Mr. *Doulton.*] So far as I know, there was no such stipulation made by the Board when that resolution that you have read was passed?—Probably not; I know the difficulties which the Board have to contend with, and I should ask you to accept that as my individual opinion, without committing the Board; I say that unless we have additional sources of revenue the great object of this Committee will not be accomplished; because, in consequence of the pressure upon the sewers rate at present, and the improvements that we are anxious to carry out, but for the want of funds cannot, I am satisfied that we shall notbe prepared to undertake a large expenditure.

4413. *Chairman.*] What is the pressure upon the sewers rate?—In the first instance, there is the expense of the main drainage.

4414. That rate is not to be applied towards making a new street?—That may be, but it is a direct charge upon the ratepayers.

4415. To do one particular thing, that is to make the main sewer?—Yes. Then there are the expenses of the Board, the charges of supervision under the Building Act, the protection of the public from encroachments on the highway, the expense of making new streets and of widening existing streets, in fact, every charge of the Board is borne by the sewers rate.

4416. Mr. *Doulton.*] Does the ratepayer contribute one halfpenny in the pound towards the improvements in the metropolis?—We have no other rate than the sewers rate.

4417. What is the amount?—Last year I suppose it was 2*d.* in the pound, independent of the main drainage rate, which, I suppose, would be 3*d.* more.

4418. What new streets have you constructed out of your ordinary revenue?—The expense of the formation of the new street, near Covent Garden, has been defrayed out of the ordinary revenue, with the exception of the amount received from the coal duties. Towards the formation of Southwark-street a sum of 90,000*l.* was voted by Parliament, and I need not say that it cost a great deal more. Victoria Park approaches, and other improvements of that character, have been carried out; for instance, a Bill has just passed the House, authorising the formation of a street in Whitechapel, and the removal of Middle-row. That expense must be borne by the ordinary sewers rate; one will probably cost 120,000*l.*, and the other 30,000*l.* or 40,000*l.*

4419. *Chairman.*] How much in the pound will it be?—One penny in the pound produces about 60,000*l.*

4420. Mr. Alderman *Rose.*] As I understand, you want the power to sell land and also the power to raise money?—Yes, because I apprehend that Parliament would scarcely give powers sufficiently large to enable us to sell as much land as would recoup us the whole of the expense.

4421. Do you know what the proposition of Earl Spencer is?—Yes.

4422. Mr. *Lyall.*] It is proposed to inclose Epsom Common. Supposing we recommend that inclosure, a certain portion of it would be set aside for the public. Do you recommend that the Inclosure Commissioners should appropriate some part of that open space to provide the expenses of supervision?—I am not prepared to answer that question at the present moment.

4423. Mr. *Tollemache.*] Is there a maximum rate to which you are confined?—Our powers of taxation are not limited by statute, but they are practically limited.

4424. Then you have power to raise the money necessary to meet the expense of securing to the public these open spaces?—Yes, we have the power undoubtedly.

4425. Do you think that the raising of the necessary funds would cause great dissatisfaction in the metropolis?—I think that it would.

4426. Do you think that the amount would be so large as to give rise to that dissatisfaction?—That depends very much upon the action of Parliament; if, for example, the valuation is restricted to the rights which the parties may prove they now have, that will lessen the amount very much.

4427. If Parliament limited the value of these open spaces to the existing rights, would you undertake to make terms for securing to the public these open spaces without any additional source of revenue?—If the nominal interests simply of the parties are to be purchased, and the Board have the power to dispose of a portion of the land, I think that we should, without additional sources of revenue, be prepared to undertake that duty, because the outlay would be very small.

Lunæ, 15° *die Maii*, 1865.

MEMBERS PRESENT:

Lord Bury.
Mr. Buxton.
Mr. Cowper.
Mr. Cox.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. J. Tollemache.
Mr. Torrens.
Mr. Vance.

JOHN LOCKE, Esq., in the Chair.

The Honourable James Kenneth Howard, called in; and Examined.

Hon. J. K. Howard. — 15 May 1865.

4428. Mr. *Torrens.*] I believe you are one of the Commissioners of Woods and Forests?—I am.

4429. Is the forest of Waltham or Epping especially under the charge of your department?—It is.

4430. Will you be so good as to state the extent of the forest of Epping, and what rights are claimed by the Crown, and by other persons within the forest?—I shall be happy to give any evidence, of course, that I am asked to give, but the whole subject was fully considered before the Committee of 1863. I am afraid to trust my memory as to every single detail. Every information was given as to the acreage, and the value and extent of the Crown's rights, and therefore, if I answer from recollection, I must be allowed to do so without prejudice.

4431. Perhaps you would rather refer to that part of the evidence which was given in 1863?—Yes.

4432. Perhaps you may state shortly what has taken place since the Committee of 1863 laid its report before Parliament?—I think that the extent of the forest is about 7,000 acres. The rights which the Crown claims are the bare naked forestal rights of vest and venison and shooting generally, and what are called rights of free warren when they are possessed by a subject; they are called forestal rights when possessed by the Crown.

4433. Will you be good enough to state whether you are aware what are the rights claimed by other individuals within the forests?—That I cannot state. I do not know what rights the lords of the manors may claim. I can only state what rights are claimed by the Crown.

4434. Have you referred to the sub-report of 1850, made by the Royal Commission, with respect to the rights of individuals?—I referred to it in 1863; but I have not done so since.

4435. I will refresh your memory by reading an extract from it: "The rights claimed are much the same as those claimed in the New Forest; at the same time, perhaps, nine out of ten claimants claim common of pasture only. Beyond these a few claim estovers for fuel, or the right to lop and to cut brushwood; a few also claim turbary, fern, gravel, &c., with rights of way and other easements; while a still fewer number claim fee, deer, forest offices, and other peculiar privileges. Can you state whether that is correct, so far as your experience goes?—The difference between the New Forest and Epping Forest is a very material one; in the New Forest the soil belongs to the Crown, but in Epping Forest it belongs to private lords of the manor. What rights copyholders and commoners may have over the manors of the private lords I cannot state; with regard to the New Forest I can.

4436. What functionary is now locally in charge of the forest to protect the rights of the Crown?—There are two keepers only.

4437. I believe the verderers' court is the ancient court of the forest. Does it now exercise any control, or prevent illegal encroachments within the bounds of the forest?—I believe not.

4438. Let me ask your attention to a return of encroachments certified by the verderers as having been made on the rights of the Crown, within the Forest of Waltham, in the year 1850, and to ask you whether there are any similar documents in your office that you are aware of with regard to such encroachments?—Within the last year I have received three or four notices of encroachments to a small extent, within the Forest of Epping.

4439. Do you mean notices from the verderers?—No; they were merely notices from the keepers.

4440. Will you look at that return of the 9th of May 1850, and say whether any step has been taken in consequence?—Yes; steps were taken with regard to those encroachments; I was not in the office at the time, nor until 1855; but steps were taken, and the whole matter was laid before the law officers of the Crown, the present Lord Chief Justice, Sir Alexander Cockburn, and Mr. Willes, who is since dead. They gave their opinion as to the steps which the Commissioners of Woods ought to take.

4441. I think you have stated that the rights of the Crown are naked forestal rights. The case referred to in the certificate of the verderers is an encroachment of five acres of land, cutting pollards.

pollards. Now, if the rights of the Crown are merely forestal rights, as you state, how do you explain that report of the verderers?—I presume it related to browse wood for the deer.

4442. Pollards are mentioned?—Pollard thorns are used for browse wood for the deer.

4443. The Commissioners, in reply to this certificate, state that a Royal Commission was then sitting, and it was inexpedient to act upon the certificate of the verderers. Since the date of that reply of the Commissioners of Woods and Forests, have any steps been taken to vindicate the rights of the Crown with regard to these encroachments?—The whole subject was laid before the law officers of the Crown in 1853, who, at that time, were Sir Alexander Cockburn, now Lord Chief Justice, and Mr. Willes; and their opinion was that it would not be expedient to institute legal proceedings, but that it would be desirable and proper to dispose of the forestal rights. No beneficial advantage could be derived to the public from their retention.

4444. *Chairman.*] No beneficial advantage in what respect?—In speaking of the public, I refer to the general public, that is, to the tax-paying portion of the public of Great Britain, in whose behalf I, under law, administer the land revenues of the Crown.

4445. That is a money advantage; but the question was not raised there, was it, as to the prevention of encroachments, so that people might have the opportunity of going over the forest?—That was not alluded to in the opinion.

4446. Was that submitted to the counsel?—The whole case was submitted.

4447. But what was the case?—I am sorry to say, that since 1863 I have not referred to that case again; the whole matter was fully stated, but my memory may be at fault now.

4448. But the question I put to you is this: You say that the answer of counsel to whom this case was submitted was, that they thought it was not advisable on the part of the Crown to resist these encroachments, but to sell these rights?—Exactly.

4449. Inasmuch as the Crown, by preventing these encroachments, would confer no benefit on the public?—Yes.

4450. Was that a pecuniary benefit; that no pecuniary benefit would accrue to the public if they were to do it; or was the question considered at all as to the rights of the public to use the forest by going over it?—That question was brought before the law officers of the Crown as to the public using this forest as a place of recreation; I suppose that entered into their consideration when they gave an opinion.

4451. How could that have entered into their consideration. If the whole forest were inclosed, the public could not go over it all. Would not that be so?—I presume so.

4452. Therefore, if the interests of the public in going over it were taken into consideration, it would be hardly possible that they could come to the conclusion that the Crown could confer no benefit in that respect upon the public by preventing the inclosures?—I beg leave to say that, in administering the land revenues of the Crown, I am bound to look merely to the interests of the general public.

4453. As taxpayers?—As taxpayers. I cannot take into my consideration the benefit of any section of the public at the expense of the rest.

4454. But this is not a section of the whole; it is the whole public. One man would not wish to go over the forest, and another would; but every man would have the option of going over it, supposing it were a place dedicated to the public?—It is really only for the benefit of the eastern end of London.

4455. That was not taken into consideration?—It has been submitted to the law officers; but it is impossible for me to say what they might take into consideration.

4456. Did they give any answer in respect to that?—No, they did not.

4457. Mr. *Torrens.*] Look at this return of 1862, and tell me whether the rights of the Crown over that acreage in the second column having been sold, individuals have inclosed the land referred to in the second column?—I do not know. They may have done so, but I have no reason to know whether they have or not. I presume they have, because they have paid for the rights over certain pieces of land, which probably have been inclosed.

4458. You say it was in consequence of the opinion given by the law officers of the Crown that these forestal rights were sold. Will you produce that opinion?—It is not usual to produce the opinions of the law officers of the Crown, and I could not do so without taking their instructions upon the subject. I can state the purport of it, as I have already done, but I could not lay the opinion before the Committee without first getting instructions.

4459. I presume that a Committee of the House of Commons, having powers to send for papers, can enforce the production?—I presume so. I do not exactly know what their powers may be in that respect. I merely state that it is not usual, and that was also intimated to the Committee which sat in 1863.

4460. *Chairman.*] What was done upon the former occasion?—I believe that the late Attorney General objected to the production of it, and it was not produced.

4461. Mr. *Torrens.*] Did these sales, which are referred to in the Report of 1862, take place after due notice?—A general notice was sent round to all the lords of the manors, stating that the Crown was prepared to sell the forestal rights over the several manors. Public notice was given.

4462. Those notices, I believe, were produced before the Committee, which sat in 1863?—Yes; I put them in.

4463. I believe that notices were addressed to the encroachers within the forest of Epping, as well as to the lords of the manors?—I believe so.

4464. They were also produced in 1863?—I believe they were.

4465. Do you consider that the encroachers upon the Crown rights and upon the rights of the commoners were persons acting legally and properly?—No; I should say certainly not. I could not say they were acting legally if they were encroaching.

4466. Why do you consider that preference should be given to those who were acting illegally?—The forestal rights were over the lands which they had inclosed; the land did not belong to the Crown, but to the private lords of the manors. It was for the interest of private lords of the manors that they should abate all encroachments on their land, The Crown merely demanded the value of its forestal rights over the land.

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4467. You considered that those parties had acted illegally?—Certainly; they were encroaching upon the Crown's rights.

4468. I believe on some occasions inclosures have been made without the purchase of the Crown's rights; you stated, I think, in 1863, that there was an inclosure of considerable extent by a Mr. Hodgson, of the manor of Chingford, St. Paul's?—Yes, about 300 acres.

4469. Has anything since been done to vindicate the rights of the Crown with respect to that inclosure?—Yes; that is to say, steps have been taken. After reading the Report of the Committee of 1863 very carefully, I saw that there were three or four paragraphs in it which concerned me.

4470. Will you state what has been done with reference to the vindication of the Crown's right with reference to the manor of Chingford, St. Paul's?—After the resolution which was passed on the motion of the Honourable Member for Maldon, in 1863, and the Report of the Committee in the same year, my hands were tied as to any further proceedings that I could take in Epping Forest upon my own responsibility; and therefore I instructed the solicitor to the Royal Forests to lay a case, with the Report of the Committee of 1863, before the law officers of the Crown, and to ask their opinion, first, with regard to the forestal rights of the Crown over the manor of Chingford, St. Paul's, and the proceedings to be taken on behalf of the Crown for asserting and maintaining its rights as regards this manor; and secondly, as to the course to be taken on behalf of the Crown as respects the remainder of the open wastes of manors and inclosures recently made therefrom, over which the forestal rights have not yet been parted with. A case was submitted to the law officers of the Crown, Sir Roundell Palmer, Sir R. P. Collier, Mr. W. M. James, Q.C., and Mr. McMahon, for their opinion. I have stated that it is not usual to produce the opinion, but I may state the purport of it.

4471. Mr. *Shaw Lefevre.*] May we take it that the case was framed upon the evidence before the Committee?—Very much so. Those were the questions which we put. I say it is unusual to lay an opinion before the Committee, The opinion was to this effect, that having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of additional revenue to the Crown, if the course pointed out by the House of Commons be followed, the law officers were of opinion that the Commissioners of Woods should make a special report on the whole subject to the Treasury, asking for instructions as to what should be done with regard to Mr. Hodgson's, or any other considerable encroachment, and requesting attention to the whole subject as one involving a question of policy, which can only be determined by Her Majesty's Government, and which, if determined in accordance with the views of the Committee of the House of Commons, cannot be satisfactorily dealt with by the Office of Woods, without new legislation. That opinion was given in December 1863; and in accordance, therefore, with the advice of the law officers, I submitted the whole case to the Treasury in a very full report, requesting their instructions as to how I was to act. Subsequently to the receipt of my report, it appeared that the Treasury put themselves into communication with the Metropolitan Board of Works, upon the subject; and Mr. Peel's letter to that Board was laid before the House of Commons on the 28th June 1864. On the 8th of July I received a letter from the Treasury, directing me to place myself in direct communication with the Chairman of the Metropolitan Board of Works, which I immediately did. I saw Mr. Thwaites, in company with Mr. Gardiner, the solicitor to the Royal Forests, and we gave Mr. Thwaites every information in our power as to the facts and law of the case with regard to Epping. Since that period, I have had no communication from the Metropolitan Board of Works, or the Treasury, upon the subject, and what subsequent communications may have taken place between the Metropolitan Board of Works and the Treasury, probably the Honourable Member for Lambeth, who is a member of the Board, will be able to state to the Committee.

4472. Mr. *Torrens.*] With regard to this particular case of inclosure by Mr. Hodgson, nothing has been done at any time, as I understand, to vindicate the rights of the Crown?—Nothing. I cannot do anything; my hands were completely tied.

4473. With regard to the forest courts in Epping Forest, and the Royal Forests, I understand you to say that they do not any longer exist?—I believe they do not exist. I believe that Major Palmer is the sole verderer in existence.

4474. In the Sub-Report of 1850 I find is stated by the Royal Commission that "in respect of forest courts, after referring to what has been hereinbefore stated on the subject generally, it should be noticed that the judicial administration of the law in this forest has fallen into the last stages of debility;" and it also states that the "second Commissioner of Woods, &c. expressed his opi- that the Verderers' Courts in this forest are perfectly 'unavailing for the purpose of taking cognizance of offences against the property of the Crown and individuals,' and that some other tribunal besides the very expensive Court of Exchequer should be established or authorised for that purpose." Has anything been done to carry out the recommendation made in that report?—No. The election of verderers does not rest with the Crown, but with the freeholders of the county. If they wish to establish a verderer's court, their course would, I presume, be to petition the Lord Chancellor.

4475. In consequence of their being no competent tribunal within the forest, are you aware that any miscarriage of justice has taken place with regard to property or crimes within the forest?—I cannot state.

4476. I have received a communication from a gentleman named Jameson, enclosing a copy of correspondence which has taken place between you and himself regarding the death of his son in October last, and I understand that the person who was accused of the crime was committed for manslaughter; and that the judge, Mr. Justice Willes, who tried the case at the Central Criminal Court, held, that in consequence of the accused being committed by the magistrates of Ilford Sessions, they had no jurisdiction; but that the accused ought to have been committed by a competent officer of the forest; do you recollect that case?—Yes; I received a letter from Mr. Jameson, representing to me the unfortunate circumstances that had occurred, and I am sorry to say

say that he ended by assuming that I was blameable; I need not say that I repudiated that. My answer was an expression of extreme regret that such a lamentable occurrence should have taken place, and that there should have been a failure of justice under the circumstances, but that it was in consequence of no fault of mine, and that I was in no way concerned in it.

4477. Let me ask whether, supposing the recommendation contained in the Report of 1850, to which I have referred, had been carried into effect for the construction of a competent tribunal in forest cases, such a case as this could have occurred, and whether the man would have been acquitted as he was?—I cannot answer that question; I think you should have the solicitor of the Royal Forests before you, because it is a legal question, which I, as a layman, am not competent to answer.

4478. If that recommendation had been carried into effect there would have been a competent tribunal to commit the man upon the charge for murder?—I cannot say.

4479. Is there a very great resort of the people of the east-end of London to the forest on holidays and Sundays for recreation?—I believe there is.

4480. In consequence of these encroachments, is not that resort very much interfered with?—I suppose it is, but I cannot speak of my own knowledge. I believe that there is a large space of open forest at this moment.

4481. There is one other question that I ought to ask you with reference to that case of Mr. Jameson. Did you issue any orders for preventing such occurrences as that in future?—I issued orders to the keepers to take steps to prevent persons from shooting in the forest as far as they could; but we only keep two foresters there, and the population is very numerous.

4482. Will you be good enough to produce a copy of those orders?—I can do so.

4483. How frequently do you visit the forest?—I have not visited it since 1863; it occasioned an expense to the public without any result.

4484. Previous to 1863, did you make periodical visits to the forest?—I suppose I visited it three or four times. As I said before, the Crown had no right to the soil or timber, but possessed only the bare forestal rights, and I should only have been putting the public to the expense of a journey, with no advantage whatever.

4485. Mr. *Lyall.*] Do you know what distance the forest is from the populous neighbourhood in the eastern part of the metropolis?—From about 10 to 15 miles, I think.

4486. Do you imagine that the lords of the manors, and the copyholders, can inclose, provided that they do not interfere with the deer?—It seems so, from the instance that was given before the Committee of 1863. I believe that that is Mr. Hodson's plea.

4487. Mr. *Shaw Lefevre.*] That is, provided they leave such a fence as that the deer can get over it?—Provided they leave a 4-feet fence.

4488. Mr. *Lyall.*] Has the Crown no other right than that of keeping deer?—The Crown has the right of keeping deer, wild boars, wolves, and hares.

4489. Do you consider that the Crown keepers have a right to walk over Mr. Hodson's ground whenever they like?—Yes.

4490. But do you imagine still that the Crown has no power to prevent an inclosure?—It is doubtful.

4491. The question has never been tried, I believe, except in the Winmell case?—No; in the case of Boulcott *v.* Winmell.

4492. Do you think that the rights of the Crown may be made available for the public in any way?—I should say certainly not.

4493. Supposing that the Crown were to give up all its rights over the forest, to such a body as the Metropolitan Board of Works, do you think that the Board of Works might make that available in any way for the benefit of the public?—I should think not.

4494. Might it not be made imperative to obtain the consent of the Board, which then might come in and make bargains for the public?—I should think not; because before any inclosure can be made in Epping Forest, the soil not belonging to the Crown but to private lords of the manors, the initiative must, according to law, be taken by the lords of the manors, or their tenants. I do not see how the sale of the Crown rights would tend any more to an inclosure than at present.

4495. I think you do not quite see the drift of my question. Supposing that the lord of the manor and the copyholders were desirous of inclosing land, and they obtained all the consents except the consent of the Crown, the Crown, or any public body standing in the position of the Crown, might decline; might not that give a *locus standi* for making a bargain on behalf of the public?—I see the drift of your question, but I think that the ground that Mr. Hodson takes, and the case of Boulcott *v.* Winmell would be an answer, because the lords of manors might say, we will inclose with a fence not higher than four feet, whether the Crown sells its rights or not.

4496. But they cannot build?—That is another question; I do not say they could.

4497. The great temptation to inclose land so near to London would be for the purpose of building houses?—I presume so.

4498. Does it not follow, therefore, that before the inclosure can be made available, the consent of the person possessing Crown rights must be obtained?—Before they can build.

4499. I believe that the lords of manors in Epping Forest have the same rights as any other lords?—I presume so; there may be various rights in every manor. The Committee of 1863, in their Report, put two alternatives before the House. The first was: "Your Committee report that a considerable extent of ground has been inclosed, without any consideration being paid for the forestal rights of the Crown over them, which do not appear to have been either purchased or redeemed; and that your Committee recommend that immediate steps be taken by the Crown to assert its rights and to abate such inclosures." Then they go on to state: "Two courses presented themselves to the Committee as applicable to the remaining portion of Waltham Forest; one is to discontinue the sale of the forestal rights of the Crown, vigilantly to maintain these rights, without regard to the question of cost, for the purpose of preventing all future inclosures, and to preserve the forest in its present extent and wild uninclosed condition; the other course is, to obtain the sanction of Parliament for the inclosure of the remaining portion of the forest, to ascertain the rights of the several parties interested, and to make provision, partly by these means and partly by purchase,

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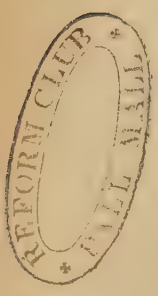

chase, for securing an adequate portion of the forest for the purposes of health and recreation, for which, it has been proved to your Committee, this forest has from time immemorial been enjoyed by the inhabitants of the neighbourhood and the metropolis." Then the Committee state, "Your Committee are opinion that to employ the forestal rights of the Crown for the purpose of obstructing that process of inclosure to which the lords, commoners, and copyholders of the manors comprised within the forest are entitled, in common with all other persons similarly situated, would not only be a course of doubtful justice, but might, in accordance with the experience of the past, fail in securing the desired object. They therefore recommend the adoption of the second alternative:" which did not immediately concern me, because, as the Crown is not entitled to the soil of the forest, the initiative of such proceedings for inclosure as are suggested by the Committee would probably have to be taken by private lords of manors, or their tenants. The first alternative did, however, concern me, and I was placed in a dilemma, because the Committee rather contradicted itself: in the first paragraph they recommended "that immediate steps be taken by the Crown to assert its rights and to abate such inclosures:" and in the last paragraph they say, "that such a course would not only be a course of doubtful justice, but might, in accordance with the experience of the past, fail in securing the desired object." What I was to do on my own responsibility I could not say, and I submitted a case to the law officers of the Crown, the purport of whose opinion I have already given.

4500. Mr. *Doulton.*] Will you be good enough to repeat the purport of that opinion?—I will read the questions I submitted to them, with the Report of 1863. The first question was with regard "to the forestal rights of the Crown over the wastes of the Manor of Chingford St. Paul's, and the inclosures recently made therefrom, and the proceedings to be taken on behalf of the Crown for asserting and maintaining its rights as regards this manor;" and, secondly, "As to the course to be taken on behalf of the Crown as respects the remainder of the open wastes of manors and inclosures recently made therefrom, over which the forestal rights have not yet been parted with." The purport of the opinion of the law officers was, that, having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of any additional revenue to the Crown, if the course pointed out by the House of Commons be followed, the law officers were of opinion that the Commissioners of Woods should make a special report on the whole subject to the Treasury, asking for instructions as to what should be done with regard to Mr. Hodgson's or any other considerable encroachments. I call attention to the word "considerable," and requesting attention to the whole subject as one involving a question of policy, which can only be determined by Her Majesty's Government, and which, if determined in accordance with the views of the Committee of the House of Commons, cannot be satisfactorily dealt with by the Office of Woods without new legislation. That was the opinion of the law officers of the Crown, December 1863, and I have already stated the steps I took.

4501. Am I to understand you to say that there is any objection to produce that case and opinion?—It is not usual to produce before Committees of the House of Commons, or even before the House of Commons itself, the cases and opinions of the law officers.

4502. Do you mean it can only be done by the order of the House?—I cannot take upon myself the responsibility of doing it.

4503. Mr. *Lyall.*] What inclosures have taken place since 1863?—Several small ones have been reported to me.

4504. How have these inclosures been effected?—I suppose simply by putting up a fence.

4505. Without any arrangement?—I suppose so. I will give one illustration: "Charles Watkins, Purlieu Ranger of Waltham Forest, presents two encroachments by the road side, near Beech Hill, Waltham Walk, one about 300 yards long and 10 yards over, the other 70 yards long and 10 over, enclosed by Mr. Soames, Beech Hill House. 13th October 1864."

4506. Who is Mr. Soames?—I do not know.

4507. Is he a copyholder?—I do not know. I suppose it is simply an encroachment; but, as I have already stated, my hands are completely tied; I could do nothing with regard to these encroachments.

4508. Mr. *Torrens.*] How are your hands tied?—By a resolution which the House passed in 1863, on the motion of the Honourable Member for Maldon, by the report of the Committee, and by the opinion of the law officers.

4509. The resolution which you refer to was merely to prevent the sale of forestal rights?—Just so.

4510. This inclosure was made without any purchase of forestal rights?—Yes; as I could not sell the rights in the face of that resolution of the House of Commons, it was no use for me to inquire into the object of the inclosure. It would only have been putting the public to expense for no purpose.

4511. Mr. *Lyall.*] I suppose you do not know whether that inclosure had or had not the sanction of the lord of the manor?—I do not.

4512. The Crown having limited rights in the forest, you do not watch those rights so narrowly as you do in the New Forest, where the Crown is actually the proprietor?—Certainly not; in the New Forest the soil belongs to the Crown, and then it is necessary to exercise constant supervision.

4513. What is the extent of the forest now?—Of uninclosed land there are 2,680 acres, and of inclosed 345 acres, making altogether 3,025 acres, over which the Crown's forestal rights still extend. And supposing that the resolution of the House of Commons of 1863 had not been passed, I had hoped to have obtained for those rights, on behalf of the public, about 12,000*l.*

4514. You would have sold the rights of the Crown for 12,000*l.*?—Yes.

4515. *Chairman.*] What rights?—The forestal rights.

4516. Mr. *Doulton.*] The result would have been an inclosure of the whole of the forest?—That does not follow.

4517. Would not that have been the natural result?—I believe that there is a great deal of land, over which the rights have been sold, which is still open.

4518. Do not you know that an inclosure has generally followed a sale of the Crown rights?—I am not aware of that.

4519. Mr. *Shaw Lefevre.*] Since the Report of 1863,

1863, have you made any further sales of forestal rights?—There was a compulsory sale to a railway company; and there was one, for which the agreement had been entered into and the money paid before the resolution of the House.

4520. No means have been taken to prevent encroachments which had already taken place?—No.

4521. The question which was raised by the law officers of the Crown was one rather of a pecuniary nature, as to whether it was worth while for your department to enforce those rights, looking to the expense?—Exactly. We are simply a department of revenue: parks and pleasure grounds for the recreation of the people, would come under the cognisance of the Board of Works. In the office of Woods, the only public I can consider is the general tax-paying portion of the public of Great Britain and Ireland.

4522. Does the Crown claim the exclusive right of shooting over this land?—I believe the lords of the manors claim the right of shooting, and I am not prepared to say that they could not substantiate it.

4523. Do you give instructions to the keepers to maintain these rights by shooting over the ground every year?—They walk over them with a view to keeping up the Crown's rights.

4524. Then the rights of the Crown are something more than you have mentioned?—There is the right of having and keeping an unlimited number of deer on the private property of the subject.

4525. Are there any deer now in the forest?—I am not aware; there may be one or two.

4526. Must not precautions by the Crown in respect of game be instituted before the Verderer's Court, according to the law of forests?—That is a question for the solicitor of the Royal Forests to answer.

4527. Is not the court gradually dispersing in consequence of the officers not being duly appointed?—I cannot say.

4528. Is it not the duty of the Crown to keep that up?—I believe that the Verderer's Court is more for the protection of the commoners and copyholders' interests than for the protection of the interest of the Crown.

4529. In order to prevent encroachments against the Crown, is it not necessary that that court should be kept up?—If there were deer in the forest, it might be necessary.

4530. You think that the fact of there being no deer, renders it unnecessary to keep up the court?—Practically, Epping Forest is worthless to the Crown as a source of revenue.

4531. Mr. *Cox.*] Am I to understand you to say that the whole of this ground marked blue upon the map, has been inclosed in defiance of the rights of the Crown?—I have nothing to say with reference to the part marked blue; that is in the department of my colleague, who was examined before the Committee last week.

4532. Have you read the evidence which was given by Lieutenant Colonel Palmer in 1863?—I have not read it since 1863.

4533. I understood you to say that you thought the forestal rights should be maintained for the benefit of the commoners; did he not tell us it was as necessary for the support of the rights of the Crown?—I think it is more necessary for the rights of the commoners than for the rights of the Crown; but still it is a court to protect both.

4534. To protect every right?—To protect both.

4535. There is no question that the result of Lieutenant-Colonel Palmer's evidence was that the court has fallen into disuse, no one being willing to take upon himself the office of verderer, Mr. Palmer being the only surviving verderer of that court?—Yes.

4536. That court having fallen into abeyance altogether, what course would you recommend in order to protect the rights of all persons in the forest?—I must decline to recommend any course; I do not know what course to recommend.

4537. All these rights claimed by the Crown are under your guardianship?—The verderers are not Crown officers; the Crown has nothing to do with their appointment, which rests with the freeholders of the county, and if they are of opinion that a Verderer's Court is necessary to protect the rights of all parties in Epping Forest, it is within their province to petition the Lord Chancellor to have the Verderer's Court re-established.

4538. But the court having fallen into disuse, there are still rights of the Crown existing over this piece of land marked yellow?—That is so.

4539. How do you propose to protect those rights?—I do not propose to protect them at all; what I proposed to do was to sell them, but in that I was stopped by the House of Commons. I am told by the law officers of the Crown that I must not take any steps to abate these encroachments; but that the proper course for the Commissioners of Woods to take was to have these forestal rights valued and sold.

4540. The House of Commons having said that you should not sell them, you were stopped?—I was stopped.

4541. Then do you think it unnecessary to take any steps for the protection of the rights of the Crown?—What steps can I take?

4542. Assume this case, that a man is inclosing a particular piece of land, and that you received intimation of it, what would you do in your office?—Nothing.

4543. Would you let him inclose?—He will inclose if he wishes to do so; I cannot stop him.

4544. Am I to understand that any one who chooses may inclose any part or the whole of this land marked yellow without the Crown, or the representatives of the Crown, taking any steps to prevent it?—I cannot take any steps; previous to the resolution of the House of Commons in 1863, I should have called upon the parties attempting to inclose to purchase the rights of the Crown.

4545. Supposing that in 1863 you had found a person inclosing, and you had called upon him to purchase the rights of the Crown, and he had refused to purchase them, but proceeded with the inclosure in spite of you, what would you have done?—Then the Attorney General, if he thought fit, might have proceeded by information in the Court of Exchequer.

4546. Can you give us any instance of such a case having occurred?—There was a case before I came into the office, of the Attorney General *v.* Hallett, which put the country to great expense, and it resulted ultimately in a compromise, Mr. Hallett purchasing the Crown's right for 100*l.* I cannot, of course, take any steps in the matter without taking the opinion of the law officers of the Crown. The whole case, with the

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Report of the Committee of 1863, was laid before the law officers of the Crown, and their special attention was called to a large encroachment (marked green) made by Mr. Hodson, and I requested their opinion as to the course that I should take. The purport of their opinion I have already twice read to the Committee.

4547. *Chairman.*] That is, so far as Mr. Hodson was concerned?—The words used by the law officers of the Crown are, "any considerable encroachment."

4548. Mr. *Cox.*] The recommendation given to you, not to take any steps, applies only to Mr. Hodson's particular case?—It applies to all encroachments; to Mr. Hodson's, or to any other "considerable encroachments." The only step I was to take, was to report to the Treasury, which I did at great length.

4549. *Chairman.*] What is meant by the words "considerable encroachments"; what was to be done with small encroachments?—Nothing.

4550. You were to take no notice of considerable encroachments, and therefore you were to take no notice of any encroachments?—They put out of the question small encroachments. It would have been a dead loss to the public if legal steps had been taken to abate them. With regard to the considerable encroachments, that was a question which the Crown Department might take into consideration.

4551. Mr. *Cox.*] Are we to understand that the result of the resolution of the House of Commons, prohibiting the sale of Epping Forest, has been that inclosures now may take place without purchasing the rights of the Crown, whereas before such inclosure could only take place upon purchase?—Hardly so, until those rights were purchased, because they did inclose before, and refused to purchase the Crown rights.

4552. *Chairman.*] Am I to understand you that there are no officers kept in this forest?—There are none kept by the Crown except the two keepers.

4553. What duty do they perform?—They report to me encroachments as they take place, and keep alive all the forestal rights.

4554. In what way do they keep them alive?—I presume they shoot over the forest occasionally.

4555. Do you know what the Crown's forestal rights are?—There is the right of keeping an unlimited stock of deer on the private lands of the subject in Epping Forest, and the right of keeping wild boars, wolves, and hares.

4556. This is a forest the bounds of which was ascertained in the reign of Charles the First?—Yes.

4557. The 16th Charles I. chap. 16, was to remedy the evil of the Crown extending its rights?—I do not recollect.

4558. It settled the extent of all the Royal Forests, according to their boundaries in the 20th year of James, annulling all the perambulations and inquests by which they had subsequently been enlarged?—Yes.

4559. By that Act, Epping Forest is clearly defined, is it not?—Waltham Forest.

4560. Its extent, and the rights of the Crown over it, are to keep deer and other animals?—Yes.

4561. That would include likewise hares, would it not?—I have rather a doubt about hares, but I believe that Manwood mentions hares.

4562. Manwood describes a forest to be "a certain territory or circuit of woody grounds and fruitful trees, privileged for wild beasts, and fowls of forest, chase, and warren, to rest, and abide there in the full protection of the king for his delight and pleasure; which territory of ground so privileged is meered and bounded with unremoveable marks, meers, and boundaries, either known by matter of record or by prescription; and also replenished with wild beasts of venery or chase, and with great coverts of vert for the succour of the said beasts, there to abide; for the preservation and continuation of which said places, together with the vert and venison, there are particular officers, laws, and privileges belonging to the same, requisite for that purpose, and proper only to a forest, and to no other place." You have only two keepers?—Only two keepers.

4563. You have no verderers in your employ?—No.

4564. As well as the right to the game, there is the right to the vert?—Yes.

4565. Have any trees been cut down by any persons?—The right to the timber is in the lord of the manor, the Crown has no right to the timber.

4566. How is that, if the Crown has the right to the vert, for the protection of the beasts, and likewise of the game?—It has the right to the browse wood, and to any fruit that may fall from a forest tree, but the timber itself belongs to the private lords of the manors.

4567. Do you mean that the Crown could not prevent trees being cut down, having the right of forest?—The crown certainly could not prevent timber itself being cut down, I should say.

4568. Why not?—Because the timber is not in the Crown.

4569. Why not?—Because it is in the private lord of the manor.

4570. If the forestal rights extend over the whole of the forest, is it not necessary that a sufficient number of trees and other vert should be left for the Crown?—I suppose it would be, if you took it for granted that the forest were full of deer, then I suppose the onus of proving there was not sufficient left would rest with the Crown; but the Crown has only a right to the fruit which falls, and to the browse wood.

4571. Has that been ascertained by any case that has been decided?—I cannot say.

4572. Mr. *Doulton.*] Do you say that the rights of the Crown only extend to what falls from the trees?—To the fruit, not to the tree itself.

4573. *Chairman.*] Manwood says: "Verd, in general, is every tree, bushwood, and such like, growing in a forest and bearing green leaves, which may cover or feed the deer." How do you prove that there is any distinction between Epping Forest and any other forest?—It is rather a legal question, which had better be answered by the solicitor.

4574. Was the opinion of the Attorney General and the Solicitor General taken upon that point?—I cannot say.

4575. This shows the inconvenience of having the opinion and not the case. I do not know questions were put to the law officers of the Crown?—I gave the questions which were put to them and the purport of their opinion. I did not read the whole case.

4576. Mr. *Doulton*] Do you say that your department objects to put in that case and opinion?—I object

—I object to put in the case without instructions.

4577. *Chairman.*] The question is, whether the department objects?—It is unusual.

4578. Do you know whether the department objects or not?—I may state for myself as the department. As far as I am personally concerned, I should be happy to give both case and opinion.

4579. Mr. *Doulton.*] You have given us the purport of the opinion?—Yes.

4580. Can there really be any objection to giving us the whole case and opinion?—I do not know whether the law officers of the Crown would have any objection. I should not take upon myself the responsibility of laying the case and opinion before you without consulting them.

4581. Will you be good enough to make that inquiry before we meet again?—Yes; but perhaps it would save trouble if you called the solicitor, Mr. Gardiner, before you.

4582. Mr. *Kinnaird.*] You must have seen from the evidence which came before the Committee in 1863, and from what has passed since, and from the appointment of this Committee, the great interest which the House of Commons, representing the people, take in this question?—Yes.

4583. Have you, since 1863, consulted the law officers of the Crown as to what should be done in order to secure these rights to the public?—I have told the Committee the steps which I have taken since the Report of 1863.

4584. Have you not considered, as the head of your department, whether you could not, in your department, do something more than has yet been done for securing these open spaces to the public?—Certainly I could not; that is one of the questions which the Honourable Member for Perth put to me before in 1863, with the view, I am afraid, of making me odious in the eyes of the public, as being regardless of the wishes of the public. I beg leave to state that there is no transaction in my office in which the public does not enter into my first regard. But, I think, my public is not the same public as that of the Honourable Member for Perth. My public is that large and useful public which pays taxes into the Exchequer, and the public of the Honourable Member is only a section of that public. I consider that I have no right to benefit a section of the public at the expense of the residue, but I cannot allow the Honourable Member to monopolise all the philanthropy in this question, because I claim an equal share with him in a desire to see parks and open spaces provided for the requirements of the people. If a money test is any proof of philanthropic sincerity I shall be delighted, if the Honourable Member will raise a subscription for the purpose of obtaining parks for the people, to contribute out of my own pocket an equal amount with the Honourable Member, but I will not contribute one 6 *d.* out of the land revenues of the Crown, of which I am a trustee.

4585. My question was whether the department had taken the trouble, after the evidence which was given before the Committee of 1863, to devise any means by which those who manage the revenues of the Crown could in any way facilitate the object which is desired?—Certainly not; all I contend for, and all I have contended for, is that in order to accomplish this most laudable object, you should take the plain, straightforward, legitimate course of going to Parliament for a vote of money.

4586. No suggestion has yet occurred to your mind to meet the difficulty?—None, except by the course that I have suggested, of going to Parliament for a vote of money.

4587. Mr. *Cox.*] I cannot allow that to be put forward as an only alternative. I want to know how you, the head of a department, propose to protect the rights of the Crown over this land, marked yellow, and over which the Crown rights have not been sold?—I cannot tell you without consulting the law officers. I have been to them, and they tell me that I am to submit the whole case to the Treasury, and take their instructions; that they cannot advise me to take any steps whatever. I can take no steps myself, and I will not incur any responsibility without the instructions of the law officers, and the authority of the Treasury.

4588. I believe you have received intimation of inclosures taking place by strangers who have not purchased, or proposed to purchase the rights of the Crown over the land?—Yes.

4589. You have submitted those, I suppose, to the Treasury?—Yes, I have submitted the whole case, and the opinion of the law officers to the Treasury.

4590. What has been the result; what instructions have you received?—I have already told the Committee that, after I had reported upon the whole matter fully to the Treasury, in accordance with the opinion of the law officers of the Crown, the Treasury put themselves into communication with the Metropolitan Board of Works, and the letter of Mr. Peel to the Chairman of the Metropolitan Board of Works was laid before the House of Commons in June last; and subsequently to that letter I received directions from the Treasury to put myself into direct communication with the Chairman of the Board of Works. I did so in company with the Solicitor to the Woods and Forests. I told Mr. Thwaites all the facts and the law with regard to Epping Forest. But since that time I am not aware what communication has passed between the Treasury and the Board of Works.

4591. *Chairman.*] You have never ascertained yet what the rights of the Crown are over Epping Forest?—They have been considered.

4592. I asked you with respect to the verd› how you distinguish Epping Forest from any other forest, and why the rights of the Crown over Epping Forest should be less than over any other forest?—I have said that if you take the New Forest and Epping Forest, the two cases are essentially different. In the New Forest, the soil and the timber belong to the Crown. In Epping Forest neither the soil nor the timber belong to the Crown.

4593. How is that?—This dates from time immemorial.

4594. Mr. *Doulton.*] Are you aware that the whole of the forest in the manor of Loughton has been inclosed?—I am not aware of it.

4595. Have the rights of the Crown been purchased in that manor?—Yes, they have.

4596. You cannot tell us whether it has been inclosed?—I do not know; I have not been there since 1863.

4597. Has Lord Maynard purchased the Crown rights?—No.

4598. Do I understand from you that the keepers do not report inclosures when the Crown rights have been sold?—They report them where

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the Crown rights have not been sold; they have reported four or five in the last year.

4599. Then it is quite possible, as I understand from you, for persons to inclose without purchasing the rights, and for you to receive no information respecting it?—It may be so.

4600. Is it not notorious that Lord Maynard and the Honourable Mr. Ashley have inclosed?—They may have.

4601. Without purchasing the Crown rights?—Mr. Ashley certainly has not purchased the Crown rights.

4602. Do you not think it desirable that some report should be made when inclosures take place?—They are reported.

4603. I understand you to say that you cannot tell me whether the Honourable Mr. Ashley, and Lord Maynard, and Sir Charles Wake have inclosed?—I have had no reports from the keepers that the Honourable Mr. Ashley has inclosed; he may have done so.

4604. I think you said that the keepers did report to you?—In certain cases they have done so. I do not undertake to say that they do so in every case.

4605. You cannot undertake to say whether Lord Maynard has purchased the rights over his property?—He does not care to purchase them.

4606. Or Sir Charles Wake?—No.

4607. Or the Honourable Mr. Ashley?—No, certainly not.

4608. You say that the Treasury placed itself in communication with the Board of Works, and that you had instructions to place yourself directly in communication with the Board?—Yes.

4608*. Beyond Mr. Peel's letter, no action, I think, has been taken?—I do not know what the Board may have done since.

4609. Will you state what was the result of your communication with the Chairman of the Metropolitan Board of Works?—I have not had any communications with him upon the subject in writing.

4610. What representations did you make to the Metropolitan Board of Works through the Chairman?—The Treasury instructed me to lay all the information with regard to Epping Forest before the Chairman. I did so in company with the solicitor, and submitted everything to Mr. Thwaites, who, I believe, was satisfied with the information we gave him.

4611. But it led to no practical result?—I do not know.

4612. Did you not inform the Chairman that it was difficult to define the legal rights of the Crown?—Yes, it is a very difficult question.

4613. And that it was difficult to enforce those rights?—It was a conversation merely, and I will not charge my memory with what was stated.

4614. If you stated to the Chairman of the Metropolitan Board of Works that it was very difficult to define the rights of the Crown, and that it was difficult to maintain them, that would be an answer to the question as to the Metropolitan Board of Works taking no proceedings in the matter?—I recollect that almost the last words of Mr. Thwaites were that, in his opinion (and his opinion corresponds with that of the law officers), no steps could be taken in the matter without new legislation.

4615. That was an opinion expressed consequent upon the information you gave him?—At the end of the interview.

4616. As it not been the custom to abate inclosures by throwing down the fences, without having resort to expensive law proceedings?—No, I do not recollect a case within the 10 years that I have been in the office.

4617. The verderers used to exercise that power, did they not?—That may have been so; I cannot say.

4618. Who in your office would be likely to give us evidence on that point?—I think that if you called the solicitor to the department, you would get every information. He has been solicitor to the Royal Forests for a long time, and he will be able to tell you whether he received instructions to take proceedings, and will give you the facts with reference to any legal case that may have arisen.

4619. Mr. *Peacocke.*] The windmill that you referred to, I suppose you are aware, was in the manor of West Ham?—I see that you asked the solicitor that question in 1863, and he said that he would refer to the case afterwards in his evidence, but I do not see that he has done so. If you will ask him that question, he will be able to give you every information.

4620. You have called the attention of the Committee to our Report of 1863, and you have stated that the paragraphs are contradictory; allow me to call your attention to one fact, which is, that the first paragraph to the past, and the second paragraph, which you considered contradictory, refers to the future?—The first paragraph that I read states at the end of it: "Your Committee recommend that immediate steps be taken by the Crown to assert its right, and to abate such inclosures." Then the last paragraph is: "Your Committee are of opinion that to employ the forestal rights of the Crown for the purpose of obstructing that process of inclosure to which the lords, commons, and copyholders of the manors comprised within the forest, are entitled in common with all other persons similarly situated, would not only be a course of doubtful justice, but might, in accordance with the experience of the past, fail in serving the desired object." That certainly appears to be a contradiction.

4621. Confine your attention to the first paragraph. You will see that that refers to the past only?—The words are, "And your Committee recommend that immediate steps be taken."

4622. That is, to abate such inclosures as had already been made?—Yes.

4623. Now we come to the next paragraph, which you will find refers to the future?—I should be employing the forestal rights in the first instance.

4624. Hardly?—I do not see how I am to act without.

4625. They gave you an alternative; have you carried out the first part of the alternative; the Committee say, "The other course is to obtain the sanction of Parliament for the inclosure of the remaining portion of the forest, to ascertain the rights of the several parties interested, and to make provision, partly by these means and partly by purchase, for securing an adequate portion of the forest for these purposes of health and recreation?—The Committee did not proceed to state the course that they would recommend as to the second alternative; and the Crown having no right in the soil, I suppose that the necessary steps would be taken by the lords of the manors.

4626. Then, as I understand you, neither of those

those alternative proposals has been adopted?—Neither.

4627. You have paid no attention to the previous recommendation?—I have been unable to do anything in the matter, because I have the opinion of the law officers of the Crown, under whom alone I can act, that I must report the whole matter to the Treasury.

4628. I presume that when you resort to the law officers of the Crown, you ask them for a legal opinion?—Yes.

4629. Did it not strike you that the opinion they gave was rather a fiscal one?—So it ought to be, because the office of Woods is simply a department of revenue.

4630. But you do not go to the law officers for an opinion as to revenue; you would go to the Treasury for that?—I should go to the law officers to inquire the means of obtaining revenue, supposing there is a difficulty.

4631. But you are not guided by the opinion of the law officers as to the most advisable means of raising revenue, you go to them to ascertain what is the legal course to adopt?—Exactly so; but in this case impediments were thrown in the way of obtaining the revenue. The House of Commons stopped the sale of the rights of the Crown, and before any legal proceedings could be taken, it was necessary that I should obtain the opinion of the Law Officers of the Crown.

4632. Whether legal proceedings should be taken?—Exactly.

4633. Just have the goodness to read the opinion you have quoted?—The purport of the opinion of the law officers was that, having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of additional revenue to the Crown, if the course pointed out by the House of Commons, be followed the law officers were of opinion that the Commissioner of Woods should make a special report on the whole subject to the Treasury, asking for instructions as to what should be done with Mr. Hodson's, or any other considerable encroachments, and requesting attention to the whole subject as one involving a question of policy which can only be determined by Her Majesty's Government, and which, if determined in accordance with the views of the Committee of the House of Commons cannot be satisfactorily dealt with by the Office of Woods without new legislation.

4634. Would you allow me to ask you whether you consider that a legal opinion?—It is the opinion of the law officers of the Crown.

4635. I should have liked to have seen the whole case, because my impression is that there must have been a good deal more loss, or they could not have ventured to have given an opinion like that. You will please to observe that we have the very questionable position at the beginning of lawyers recommending no litigation, did not that strike your mind as rather unusual?—No.

4636. And there is no point of law touched upon in their answer. You might just as well, to have elicited an opinion, have selected any two individuals you pick out of the streets, because it is a mere opinion as to policy, and not an opinion as to law?—No, the legal part of the question was whether proceedings under the 10th George IV., under which I act, should be taken against these encroachers, which might entail very heavy expense upon the public, and it would be impossible to say where it might end.

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4637. But surely you would take their opinion not as to your getting a revenue, but as to your getting a verdict?—I cannot take proceedings: I think I have already stated that I cannot take the initiative in any legal proceedings without consulting the law officers of the Crown. In order to abate these encroachments of Mr. Hodson's, and others, legal proceedings, if taken, cannot be taken by me, but by the Attorney General.

4638. But you would apply to the law officers, not as to the probability of your getting revenue, but as to the probability of your getting a verdict?—No, as to the means I should adopt, and as to the likelihood of getting a verdict.

4639. Have they given any opinion as to the probability of your getting a verdict?—That is their opinion which I have referred to.

4640. Is that the entire opinion?—That is the purport of it.

4641. But they have given no opinion at all as to the probability of your getting a verdict?—They state that if I get a verdict, I shall get nothing from it.

4642. Will you have the kindness to tell us whether you asked them if you would be likely to get a verdict?—Not in those words.

4643. Then, in short, you have consulted the law officers of the Crown solely as regards the raising of your department?—Exactly; I have no other object in view whenever I consult the law officers of the Crown.

4644. Now, do you not think that you should have consulted them with respect to your prospect of getting a verdict, not with respect to the revenue only?—This would be with regard to proceedings to be taken with a view to obtain a revenue.

4645. But did it not strike you that they totally omitted, in their answer, advising you upon that point?—They have advised me.

4646. They have advised you as to the policy of the question, but they have not advised you at all as to the law?—I say it is a question of law and policy.

4647. Exactly, and which you do not consult them about, I presume?—The law officers say that having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of additional revenue to the Crown, if the course pointed out by the House of Commons be followed, they are of opinion that the Commissioners of Woods should make a special report on the whole subject to the Treasury. The law officers are of opinion, therefore, that I should take no steps with regard to the abatement of these inclosures with no chance of getting any revenue from it.

4648. Now, I ask you simply this; are you in the habit of consulting the law officers of the Crown, as to the policy to be pursued by your department?—It is generally a question as to the policy of taking legal steps for the purpose of obtaining revenue.

4649. As to the probability of your getting a verdict, I presume?—As to the probability of getting a verdict.

4650. You stated, as I understood, in answer to another question, that you were told by the law officers not to sell?—No; to sell.

4651. You meant by that, I presume, all rights of the Crown?—All rights of the Crown.

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4652. In what opinion was that?—That is the opinion of 1853.

4653. Is that put in?—No.

4654. Will you put in the case in answer to which that opinion was given?—I will consider the matter.

4655. You stated in another part of your evidence, that you could not sell the forestal rights, in consequence of that resolution; but allow me to observe that you could have abated the inclosures?—Not without probably putting the country to a great expense without any beneficial object.

4656. Do you not consider the health of London?—I must repeat again that mine is simply a revenue department, and I cannot take into consideration, and legally do not take into consideration, any circumstances which influence any particular section of the public.

4657. Then I will treat you as belonging to a revenue department, and I will ask you another question; are you not aware that those rights of the Crown are worth money value?—Yes.

4658. And are you not aware that in giving up those rights of the Crown, you consequently give up articles which are worth a money value?—Yes.

4659. And yet you have taken no steps to enforce that, which you consider is worth money value, yours being a revenue department?—Certainly not; after that resolution of 1863. I should be incurring a very heavy responsibility if I took any steps to sell that right.

4660. I am not putting it as a question of selling the rights, but did it not strike you that it was your duty, yours being a revenue department, to preserve in tact those rights?—They are still preserved, and are still alive, if the House of Commons were to rescind that resolution.

4661. Mr. *Doulton.*] Do you mean to say that the result of that resolution which was passed by the House of Commons was to permit persons to inclose without paying anything for the rights of the Crown?—That I cannot say.

4662. I understand that the part marked yellow on the map is the land which has been inclosed?—Perhaps I had better explain; the yellow is the land over which the Crown rights have not been purchased; the parts coloured pink are the lands over which the Crown rights have been sold, and the parts coloured green are the inclosures.

4663. Now are you not aware that over those parts coloured green, there are inclosures being made at this moment?—I cannot say.

4664. Are there not houses there?—There may be.

4665. And farm buildings?—There may be.

4666. Are you not aware that after the lapse of a certain number of years those Crown rights would be extinguished?—That might possibly be so, but I cannot say.

4667. Are you not aware that by not asserting them for a certain number of years the Crown will lose those rights which you confess are articles of money value?—They possibly may.

4668. And yet you have taken no steps to prevent those rights being lost by non-usage?—Certainly not; I should take no steps in opposition to that resolution of the House of Commons.

4669. I am referring to the other point: there is no doubt that you are prevented from selling, but you are not prevented, on the contrary, you are urged to assert the rights of the Crown?—I cannot assert them without putting the country to a great expense for which I could derive no beneficial object. That is the only answer I can give.

4670. Have you taken any steps for having these inclosures abated?—None.

4671. Then allow me to ask you another question. In your department, if you have other rights of the Crown disputed, do you avoid asserting those rights because you may be involved in possible litigation?—No, certainly not.

4672. Then why do you in this case?—Because no possible advantage can be derived, supposing these encroachments are abated, the land does not belong to the Crown, and neither the Crown nor the public can derive one farthing of revenue from any legal proceedings which may be taken to abate these inclosures, and the expenses may amount to thousands of pounds in the course of the year, as they did in the case of the Attorney General *v.* Hallet, and the result was a compromise for 100 *l.*

4673. The House of Commons has thought proper to say, that for national interests they will suspend the sale of these rights, but those rights which are of a certain value, will become lost to the Crown by none asserting them after a certain space of time, and yet I understand you, that, from the fear of possible litigation, you are taking no steps to assert those rights?—No, I have taken no steps.

4674. And you do not intend to do so?—I do not intend: I hold that the Crown rights will not be lost, if they are kept alive.

4675. But do you keep them alive?—Yes, we keep them alive.

4676. How do you keep alive your rights over the land coloured green?—I keep alive the rights by maintaining two keepers, and I grant permission to gentlemen to shoot in the forest.

4677. Mr. *Doulton.*] But in some of those places houses are already built; you cannot shoot there?—No, I suppose not.

4678. Mr. *Cox.*] And they are being built every day?—Yes.

4679. How do you maintain the Crown rights there?—We can get the value of them if the House of Commons will rescind that resolution.

4680. *Chairman.*] That resolution says that there shall be no more inclosures: that is no reason why you should allow people to inclose, is it; because the House of Commons says there are to be no more inclosures, and no more sales of forestal rights, do you construe that to mean that you are to allow people to inclose?—No, I do not construe that to allow them to inclose.

4681. Mr. *Peacocke.*] I want to get at this one point. I want to know what steps the Crown are taking at this moment to keep up their rights over the land marked green?—I presume the keepers walk over it.

4682. But are you not aware that after the lapse of a certain number of years, the houses and farm buildings which people have erected there, will become theirs absolutely, and you no longer will have a right over them?—That is more a legal question. If you have the solicitor before you, he will give you a better answer than I can, as to what would constitute a failure of the Crown rights.

4683. But you take no steps at the present moment to assert them?—No, I do not.

4684. Do you believe still that the keepers walk over that space marked green?—They may do so.

4685. Do

4685. Do they?—I do not know.

4686. Have you given them instructions to do so?—I think the keeper did walk over, and Mr. Hodson tried to prevent him, but he asserted the right. I am speaking now from memory, and I may be wrong; but I think the keeper wrote to me to know whether Mr. Hodson had purchased the forestal right of the Crown, because I think he warned him off his manor. I wrote to say that Mr. Hodson had not purchased the Crown's forestal rights, and that the keeper was to exercise his right.

4687. Will you have the goodness to say whether you have given general instructions to the keepers to assert the rights of the Crown over these spots marked green?—I do not know that I have given special instructions, but I gave those general instructions to the keeper when Mr. Hodgson tried to stop him.

4688. Mr. *Cox.*] When was that?—Last year.

4689. Mr. *Peacocke.*] You have stated that you did not see how, if those rights of the Crown were transferred to any other public body, they could be used as a means of preventing encroachments. Are you aware that you may keep an unlimited amount of game upon the land over which the Crown has rights?—Yes.

4690. An unlimited amount of deer, and an unlimited amount of hares?—Yes.

4691. Now I ask you whether you think it would be worth the while of any individual to inclose, if it was in the power of another person to keep an unlimited amount of game upon the land?—Well, that depends in a certain measure upon the sort of inclosure.

4692. Do you think it would be of any use to the individual for the purpose of a garden, for instance?—I do not know; it might or might not be.

4693. Do you think he could grow many peas, with an unlimited amount of game there?—Well probably not; that was the object of having a fence four feet high, so that the deer might get in.

4694. In what possible way could it be of use to any individual; could it be of use for agricultural purposes?—I suppose they think so, because they have inclosed with a four feet fence where there are deer.

4695. Because you did not assert the rights of the Crown?—The rights of the Crown were asserted.

4696. What I want to show you is, that in the event of another body who did assert those rights taking possession of it, they might be used for the purpose of rendering inclosures absolutely valueless?—They might be used also for the purpose of subjecting the private lords of the manor to a very vexatious burden.

4697. Precisely; but all we have to direct our attention to is, that in the hands of another body, who did assert those rights, they would render all purposes of inclosure valueless?—With all due deference, I do not think you could make use of forestal laws for the purpose of maintaining a park for the people.

4698. Would not the exercise of those rights make inclosures valueless?—No, I think not.

4699. But what possible advantage could an inclosure be to a person, if another had the right of keeping an unlimited amount of game?—Practically, no doubt, the lords of the manor would put up a four feet fence, and they would defend their right to put up that fence.

4700. But you might put any amount of game inside it?—You might.

4701. All I wish to do is to show you that if these rights were asserted, they would render all inclosures absolutely valueless to anybody?—Supposing those rights were transferred to the Metropolitan Board of Works, I take it for granted that they would not stock Epping Forest with an unlimited amount of game.

4702. We will take up that point when it arises; but all I wish to show you is, that these rights, if asserted, may render all inclosures absolutely valueless?—I doubt it.

4703. Will you tell me for what use property can be employed if another person possesses a right to stock it with an unlimited amount of game?—It would be, no doubt, a very great injury to the crops, but still a man might run the risk.

4704. Can you tell me any possible use for which it could be employed with an unlimited amount of game upon it; do you say it could be employed for agricultural purposes?—It would be rather a drawback to a farm, certainly.

4705. Allow me to ask you whether you have given instructions that inclosures on property, over which the forestal rights of the Crown have not been sold, should be reported to your office?—The general instructions have been given which were alluded to before the Committee of 1863.

4706. And instructions have been given?—Yes; general instructions with regard to any encroachments.

4707. I see from your report, which you send in from year to year, that you are in the habit of selling Crown property in one place, and investing it in another?—Yes.

4708. Now would there be any objection to the Crown investing in the soil of some of these properties in Epping Forest?—I should be sorry to recommend the Crown to invest 6*d.* in Epping Forest, except where it adjoins the Crown allotment of Hainault; there it might be of advantage, but as a separate property, I should think it not advantageous.

4709. Allow me to point out this, that if the House of Commons was willing that the Government should buy it, the value of the land there would increase as the population increased?—Yes.

4710. You would have power under the direction of the Treasury to do so?—Certainly; I have power to purchase land anywhere where I can show that it would produce a good return.

4711. And I suppose, under the direction of the Treasury, you would do so?—Under the direction of the Treasury I could do so.

4712. Mr. *Doulton.*] You stated as a fact that Lord Maynard, the Honourable Mr. Ashley, and one or two others, have not purchased the Crown rights?—They have not purchased.

4713. But you are not aware of the fact that they have inclosed?—I am not aware of the fact that they have.

4714. Supposing that fact were brought to your knowledge, should you take any steps upon that?—No.

4715. You would allow them to inclose?—I could not prevent them, under my present powers.

4716. Then at the present moment it is quite competent to anyone to inclose, without the department of which you are the head taking any

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any steps to prevent them?—There is no doubt they are inclosing, and they would be very likely to inclose.

4717. Your instructions are to allow them?—No, not to allow them.

4718. Not to interfere?—My instructions are not to take any legal proceedings for the abatement of these inclosures.

4719. What inclosures?—Any such inclosures as Mr. Hodson's; and there were one or two others that were reported.

4720. How long have you had those instructions?—Since December 1863.

4721. *Chairman.*] Do you mean to say that your instructions are to let Epping Forest take its chance, and to allow anyone to encroach upon it?—No.

4722. Because you stated that with regard to these encroachments that have already taken place, you were to take no steps; and when I put the question to you whether you were to take any steps supposing any new ones took place, you said you were to take no steps as to them; so that I take it you are to take no steps at all. Therefore, do you leave people to encroach just as much as they like upon Epping Forest?—I should certainly take no steps at all, after receiving such instructions as I have read two or three times to the Committee with regard to these encroachments; and as I am not allowed to sell the forestal rights of the Crown, and the soil does not belong to the Crown, I therefore take no steps to abate the encroachments, as the the result of legal proceedings could be productive of no revenue to the Crown; the soil is not the Crown's.

4723. Then because the House of Commons came to the resolution that you were not to sell the forestal rights, therefore you leave it all to take its chance?—It must.

4724. Not if you took action?—I can take no action.

4725. Why not?—Because my hands are tied.

4726. Your hands may be tied as regards not selling the forestal rights, but does that prevent your interfering with the encroachments?—I am not able to sell the forestal rights, and I cannot take legal proceedings to abate the inclosures.

4727. The House of Commons does not say that?—No, but the law officers of the Crown do.

4728. Then the law officers of the Crown, in fact the Crown, says that you are to leave Epping Forest to take its chance, and anybody is to encroach upon it that pleases. Is that the result of it?—That I cannot take any steps for abating these inclosures.

4729. If you were to hold out that you would take no legal measures if anybody robbed your house, would it not rather be an inducement for people to do it?—But supposing it were not my property?

4730. The Crown can, if it choses, prevent these inclosures by reason of its own forestal rights; but you say, inasmuch as the Crown is not allowed to sell those forestal rights, it will not interfere with the encroachments. Do I understand that to be the case?—Yes.

4731. Mr. *Doulton.*] In fact, as you interpret the resolution come to by the House of Commons, its effect is to facilitate the inclosures rather than prevent them?—I cannot give an opinion upon that.

4732. But that is the result, is it not?—I cannot say what the result is.

4733. Mr. *Cox.*] It has been the result?—I take it from you that it has been the result.

4734. Mr. *Doulton.*] No, I take it from you?—I must decline to give any opinion.

4735. You have stated in your evidence that if the Honourable Mr. Ashley, for example, is inclosing land of which he has not purchased the forestal rights, you should take no steps?—No, I cannot take any steps.

4736. Do you not facilitate the inclosure then?—No, I do not see that

4737. Before the resolution of the House of Commons was passed you would have taken steps?—Steps probably would have been taken if the parties had refused to purchase.

4738. Then the result of the resolution of the House of Commons is to facilitate encroachments?—Taken in that view, it is.

4739. Mr. *Tollemache.*] I suppose when you say you would have taken steps, you would merely have endeavoured to have secured the rights of the Crown?—Merely endeavoured to do so.

4740. This is rather an exceptional case; the Crown has no right to the soil, but merely forestal rights?—That is it.

4741. Those forestal rights you consider of very little value?—Very little.

4742. Therefore your duty in your position, is to look after the rights of the Crown?—Yes.

4743. And you believe that it would be injurious to the interests of the Crown to assert those rights, believing that the expense would be more than the rights of the Crown are worth?—It would be injurious to the public rather, because the public has a right to the income of the land, and therefore it would be injurious to them.

4744. It is your duty, in fact, in your department, to look after the interests of the public?—It is.

4745. And from the opinion you have received from your legal advisers, you believe that the expense of putting a stop to these inclosures would be greater than the rights of the Crown would be worth?—Exactly.

4746. Therefore on taking the course you have done, you have simply had in view the interests of the public?—Exactly, and no other.

4747. Supposing that these forestal rights belonged to you yourself, if you found that the expense of putting a stop to the inclosures was greater than those rights were worth, should you put them down?—No, certainly not.

4748. With regard to keeping up an unlimited supply of game, I suppose you could only do that at an enormous expense?—At an enormous cost.

4749. To keep it up so near London you would require a regiment of keepers?—Yes.

4750. And that, I suppose, is pretty well known to those who have inclosed?—Certainly.

4751. Therefore if you wished to keep up an unlimited supply of game there, you could do it practically?—No.

4752. Mr. *Peacocke.*] Allow me to ask you if that is the principle upon which your department acts, that if a property of the Crown would cost more in litigating than it was worth, you always give it up?—I will not say always.

4753. Is Richmond Park in your department?—No; Richmond Park is not.

4754. Would

Hon. *J. K. Howard.*

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4754. Would Windsor Park be in your department?—That is in Mr. Gore's department.

4755. Give an illustration of something which is in your department; is the New Forest in yours?—Yes; the New Forest is in mine.

4756. Then if a proprietor in the New Forest, where the land is worth perhaps 5*s.* an acre, goes and quietly incloses 100 acres which would be worth 500 shillings, you would probably let him have it because the litigation might cost 500*l.*?—No; certainly not.

4757. Then why do you not apply that principle here?—Because the soil in the New Forest is the property of the Crown, and this is not.

4758. Here there are rights possessing a money value, and if you forego the one why not forego the other?—The cases are different.

4759. Mr. *Torrens.*] Will you be so good as to say under what section of the Act these sales have taken place?—I think under the 98th section of the 10th Geo. 4, c. 50.

4760. And also the 16th & 17th Vict.?—That is with regard to compromises.

4761. Is it not requisite by the Acts just quoted that the Crown should give its sanction by sign-manual to the sale of this property?—The authority of the Treasury would be sufficient for the sale of this property without the sign-manual, when there was no compromise.

4762. Under the section which has just been quoted I believe the Commissioners have power to make an exchange of land with the lords of the manors; was any offer made to exchange the rights of the Crown for land with any of the lords of the manors?—I am not aware that there was.

4763. Mr. *Cox.*] I want to get one point quite clear; I think I understood you to say that a man, under your instructions, went over the land enclosed by Mr. Hodson, with a view of ascertaining the rights of the Crown?—I think so, speaking from memory; but I will refer to the correspondence; I will not pledge myself to that.

4764. Will you be good enough to give me the name and address of the man who you so think went over the land, so that we may have him here?—It was Charles Watkins, of Chingford, Essex, one of the keepers of Waltham Forest.

4765. This is the man who after Mr. Hodson inclosed you say takes some steps with a view of saving the rights of the Crown over the land?—This is the report:—"Chingford, 13 October 1864. To the Honourable J. K. Howard. Sir, I beg to inform you that I was on a part of the forest called the Hawke Wood a few days since, and met with Mr. Richard Hodson, lord of the manor; he told me that I had no business there, as he had purchased the Crown right over his manor; I wish to know from you if such is the case, and whether I am to discontinue going over that part of the forest."

4766. What was the reply to that?—I referred the letter to the solicitor, to know what steps I should take, and the solicitor's minute upon it is this: "I am not aware whether they have, or have not; if they have not, the keeper should, I apprehend, exercise as heretofore the Crown's forestal rights over the land.

4767. You do not know what Watkins himself did?—No; I presume that he obeyed his instructions.

4768. Mr. *Kinnaird.*] What is the date of that letter?—The 13th October 1864.

4769. Since the Committee?—Yes; I think Hawke Wood is a large inclosure of Mr. Hodson's.

4770. Mr. *Shaw Lefevre.*] Are these two keepers paid by the Crown?—Yes.

4771. Is their whole time devoted to maintaining the rights of the Crown?—I am not certain.

Mr. C. W. H. Sotheby called in; and Examined.

Mr. *C. W. H. Sotheby.*

4772. *Chairman.*] Have you been a purchaser of any quantity of land in Epping Forest?—I have been a purchaser of Crown rights.

4773. How did you become possessed of the land?—The land has been in my family for many generations.

4774. It has been in the occupation of your family?—Yes.

4775. In what way?—As lord of the manor.

4776. Have you built upon the land?—No.

4777. What rights have you exercised over it as lord of the manor?—The right of shooting, the right of digging gravel, and cutting turf; the trees also belong to me; and, in fact, I believe I have exercised every right.

4778. What rights has the Crown exercised?—The Crown had the right of feeding deer upon the land.

4779. Does the Crown keep any deer there?—There were deer formerly.

4780. The date of your purchase of the forestal rights of the Crown is, I see, 25th November 1858?—I believe that is correct.

4781. You purchased the Crown's interest in several pieces of land in the manor of Sewardston?—Yes.

4782. Whereabouts is the land?—The silk mills are upon the river, and this land is two or three miles from the river.

4783. Are the silk mills in the forest?—No.

4784. It is stated that you purchased 695 A. 1 R. 24 P.?—I think not quite so much as that; I believe it should be 668 A.

4785. What sum did you give?—£. 3,349. 10*s.*

4786. That was for the forestal rights?—For the forestal rights.

4787. Have you built any house upon the land since you purchased those rights?—No; I had a house there before.

4788. Have you made any alteration in the 695 acres; have you inclosed them?—I have inclosed very small pieces.

4789. For what purpose?—I have granted some of them as copyholds to individuals, who have dealt as they pleased with them.

4790. They may erect buildings upon them if they choose?—Yes.

4791. Have any buildings been erected?—I think only one.

4792. What description of building?—The man who occupies it had a grant of land to make a nursery garden of, and he has erected a small building on it.

4793. What is the nature of your manor; you say you have the rights of digging gravel, and so forth. Are there any commoners?—There are copyholders.

Mr. *C. W. H. Sotheby.*

15 May 1865.

4794. Have they rights of common over the manor?—Yes, I believe they have.

4795. Do they turn cattle on?—Yes, they do.

4796. Have they any other rights?—I am not aware that they have.

4797. Do they take estovers?—There are certain tenements, I think to the number of 32 or 33, and attached to each of these there is a small portion of land, differing in size from about three acres to ten acres, where these people are in the habit of cutting lops from the trees.

4798. Nothing besides that?—Nothing besides that; they have those lops, and nothing else.

4799. This 3,349*l.* 10*s.* was a large sum, was it not, to give for those forestal rights; what was the inducement to give that sum for them?—In order to get rid of the rights of the Crown, whatever they might be, which prevented inclosures or fences being raised above four feet in height.

4800. What do you consider those rights were?—I considered that they were very small; they were only the right of feeding the deer, and of preventing inclosures above four feet in height.

4801. Were they such rights as would prevent you from exercising any rights of ownership over the land?—Yes.

4802. Beyond merely turning on cattle, cutting the trees, and so on?—Yes; and cutting turf and fern, removing the soil, and so on.

4803. Then, in point of fact, by the purchase you made you obtained the fee-simple in the land subject to the rights of the copyholders; how many copyholders are there?—I do not know; I had the fee-simple already.

4804. Have you a court?—Yes.

4805. How are the copyholders admitted?—They are admitted at the court.

4806. Upon the sale of property, or upon death?—Yes.

4807. Is there a fine paid?—Yes.

4808. What is the fine?—In the case of death I fancy it is about two and a-half years' value; I believe it depends upon the age of the person, but I am not sure.

4809. Mr. *Doulton.*] How was the sum which you paid determined?—It was done by the Crown.

4810. Did you offer a sum?—No, that was what they fixed.

4811. Do you know upon what principle they proceeded in valuing the rights?—No, I do not; I believe the rights were valued by Messrs. Driver, or by Mr. Clutton.

4812. Does the Crown possess the same rights over the other portions of the forest?—I fancy so. I am not aware of any difference between Sewardston Manor and the other manors.

4813. Do the copyholders exercise their rights over that particular portion of lands, now that you have purchased the Crown's rights?—Yes, they do.

4814. They exercise the same rights as before?—Yes.

4815. Consequent upon your having purchased these rights, have you inclosed?—I have inclosed about 20 or 25 acres.

4816. For purposes of building?—No; as I said before, a small house has been built upon one of the inclosures.

4817. Upon your making the inclosure, did you satisfy the rights of the copyholders?—It was done at a copyhold court; the person who inclosed was admitted as a copyholder by the consent of the homage.

4818. There was no money payment?—No.

4819. Mr. *Torrens.*] Previous to the purchase by you of the rights of the Crown over the land referred to, was there any common resort of the inhabitants of London to that part of the Forest?—They have been in the habit of coming there a good deal.

4820. In considerable numbers?—Sometimes.

4821. Since your purchase are they at liberty to do so?—Yes, they have not been prevented.

4822. How were you made aware of the intention of the Crown to sell this land; was any communication addressed to you?—Yes, I received a letter from the Office of the Woods and Forests to the effect that they were prepared to sell their rights for so much, making the offer.

4823. I understand you to say you do not object to the public resorting there now?—I never have objected.

4824. Mr. *Cox.*] But you will not allow them to obtain a right by going there for 20 years?—I do not consider that they have any right there.

4825. Do you put up any boards warning them off?—No, I do not.

4826. Have you lived there a long time?—No, I have lived there very little.

4827. Did you ever see a board in any part of the forest warning people off?—I do not remember to have seen any.

4828. Did you ever hear of any one being prosecuted for going there?—No.

4829. Is High Beech Green included in the 695 acres?—Yes, it is in that map.

4830. Does this land adjoin the high road leading from Stratford to Waltham Abbey?—A cross road passes through this part from Stortford to Waltham; I understood your question, "from Sewardston to Waltham."

4831. Then it is quite to the north of the road?—High Beech Green is to the south west of the road I allude to.

4832. Assuming the rights of the Crown to be no more than you have described them over the 695 acres, do you consider that the same quantity of land in any other portion of the Forest would be worth 3,349*l.* 10*s.*?—I suppose the rights of the Crown would amount to the same value, not, of course, the land itself.

4833. Is there, to your knowledge, anything peculiar in the value of the Crown's rights in Sewardston Manor, which would not apply to any other part of the Forest?—No, I do not suppose that there is any extraordinary value attached to Sewardston.

4834. Had not all the occupiers residing within the precincts of the Forest the right of turning cattle into the Forest?—I am not aware.

4835. You say you have admitted some persons as tenants; of course that was done in the usual way, at a court baron, by the consent of the homage?—By the consent of the homage.

4836. Do you conceive that you have the power, as lord, your homage consenting, to inclose the whole of High Beech Green, assuming it to be part of the 695 acres?—I believe that what is usually called High Beech Green is not within the 695 acres; I believe it is in Sir Charles Wake's Manor.

4837. Do you conceive that you have the right of granting the whole of that land in the same way as you have made grants to these copyholders you mention?—I suppose so.

4838. At the time that the Crown sold to you the

the forestal rights for 3,349*l.* 10*s.*, was no reservation made of the user by the public?—No.

4839. It was not stated that the public had obtained a right of user?—No.

4840. Are we to understand you to say, that the right of the Crown completely prevented inclosures taking place?—I do not know that it did, because I fancy that inclosures had been from time to time made; whether the Crown was compensated, or whether any arrangement was made, I cannot say.

4841. Would the rights of the Crown prevent inclosures?—I believe it depended upon the height of the fence.

4842. Would you have paid 3,349*l.* 10*s.* for the rights of the Crown over these 695 acres if you could have inclosed them without payment?—I was recommended by my lawyer to agree to the proposal made by the Crown.

4843. To obtain the right of inclosing?—Yes, to get rid of any difficulty that, in case of an inclosure, the Crown might interpose to obtain a good title in case of selling.

4844. Mr. *Shaw Lefevre.*] What is the extent of the manor?—The manor is a large one, I think between 2,000 and 3,000 acres.

4845. Do you conceive that all the copyholders have rights of common over the 695 acres you refer to?—I suppose they have.

4846. Previous to making the grants, you had summoned the copyholders to a court, I suppose?—Yes, due notice was given that a court would be held.

4847. Do you know whether they attended in any numbers?—I do not know; I never have attended a court; the usual notice has always been given.

4848. Do you know whether there has ever been any objection on the part of any copyholders?—No, never.

4849. Have grants been made to copyholders, or to persons outside who have been admitted?—To persons outside.

4850. The grants have not been confined to copyholders?—No.

4851. With the exception of the 25 acres that you have granted, does the remainder of the 695 acres still remain open?—Yes; I should mention that a large grant has been made of about 100 acres, which have not yet been inclosed.

4852. When was that grant made?—I think about a year ago.

4853. Probably it will be inclosed very shortly?—Probably it will.

4854. Is that done with the consent of the copyholders?—With the consent of the copyholders.

4855. Has it been usual to nominate a homage out of the copyholders, or do you take the consent of any of those present at the Court?—That I do not know.

4856. Do you know whether any of the copyholders turned out upon that grant of 100 acres?—No, I do not.

4857. No compensation was made to them?—No.

4858. Are these 695 acres covered with wood?—I should say about half.

4859. Mr. *Cox.*] It is a very beautiful part of the country, is it not?—Yes, it is.

4860. Mr. *Shaw Lefevre.*] Have you made no other grant?—I have made a small grant to a person to hold in trust for myself.

4861. Did you consider that you could not make a grant to yourself?—I suppose I might; but the object of doing that is, that being made into a copyhold it may be enfranchised, and then it becomes freehold; my object is to make it freehold.

4862. Is it your intention to put a fence round it?—That depends upon circumstances, because a railway company has obtained a Bill to go into that neighbourhood; whether the railway will be made or not seems doubtful.

4863. Have there been many enfranchisements?—Yes.

4864. So that the number of copyholders is diminishing?—I think not much: I do not know the number of copyholders; but I suspect that it has been much the same for many years past.

4865. In the case of enfranchisement of copyholders, is there generally a re-grant of the right of common?—In case of enfranchisement the land becomes freehold.

4866. But has there ever been a re-grant of the right of common?—I believe not.

4867. Do you think that there are any freeholders in the manor who have acquired rights of common over this land by use?—I should think not.

4868. Have cattle been turned out on those 595 acres?—Sometimes, but not in great numbers; I fancy that the pasturage is of little use to the cattle; many, I am told, get sicknesses, and some die.

4869. Are there any sheep?—No, only neat cattle and horses.

4870. Are there any deer there?—I saw one, I think, when I was there three years ago.

Jovis, 18° *die Maii* 1865.

MEMBERS PRESENT:

Mr. Cowper.
Mr. Cox.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. Alderman Rose.
Mr. John Tollemache.
Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

PETER ERLE, Esq., called in; and Examined.

Peter Erle, Esq.

18 May 1865.

4871. *Chairman.*] You are one of Her Majesty's Counsel, and you are likewise Chief Commissioner on the Charity Commission?—Yes.

4872. We are anxious to hear your statement as to the mode in which commons have been dealt with by the Charity Commission?—We act under several Acts of Parliament, conferring on us powers over lands settled on charitable trusts. Lands allotted to trustees for the poor under Inclosure Acts are of that class.

4873. I do not know whether you are familiar with these Acts of Parliament, but previous to any sale, what was the course pursued with regard to commons as to the allotment for the poor with reference to the sale?—We have authorised sales of allotments made under several Acts. The 53 Geo. 3, c. 158, was a general act for the inclosure of Windsor Forest, and that Act contained provisions extending over 12 parishes; it directed allotments to be made to trustees for the poor of each of the 12 different parishes. We have authorised three sales, I think, of allotments under that Act, and the Crown has purchased in another instance, so that I can speak of four sales.

4874. In what way were those commons inclosed, and by what authority?—By the authority of the Act of Parliament.

4875. You have nothing to do, as I understand, with the Inclosure Commissioners?—Not for these purposes. The Act of the 53 of Geo. 3 refers to the General Inclosure Act for the provision which that Act contains for the inclosure of all allotments, and under which these allotments have been inclosed. The principle on which we proceed is this, that where an Act vests lands in trustees for the poor of a parish, there is the constitution of a simple charity, which may be founded equally by the Crown, by the Legislature, or by private individuals, and the provisions of the Charitable Trusts Acts attach on those lands as well as other charity lands, and we may authorise any sale under the general law of the Charitable Trusts Act. We do not make any sales, but we confer a power on the trustees, which they would not otherwise possess, to sell charity lands instead of retaining them on the particular trusts. They may sell for investing the produce in other lands, or for other reasons; no one having any interest in them except the trustees and the objects of the charity. That is shown completely by a clause in the Inclosure Act referred to, which authorises the trustees not to keep the allotments open, but to lease them, and to apply the rents for the poor, who would be entitled to the turf or fuel cut from the land.

4876. Are these common lands?—They are parts of large districts of common lands inclosed under that Act.

4877. Mr. *Locke King.*] But left as open spaces?—Not always; they are directed by the Act to be inclosed, but whether the trustees inclose or not is a matter of accident.

4878. *Chairman.*] Does it become necessary there to compensate the lords of the manors and the commoners in any way?—The compensation to the Lord of the Manor is made under the Inclosure Act. A specific portion of the land is allotted to him, and a portion of it to every one who has a right of common over it.

4879. Mr. *Locke King.*] The compensation is made to the Lord of the Manor at the time of the inclosure?—Yes.

4880. And this is a compensation made to the poor for their rights over the common?—Entirely so; and it becomes as much a separate property of the charity as the allotment of any private person. I think that the fact that the Act itself authorises the separate leasing of the charity land shows it is separate property. It contemplates inclosure.

4881. To what Act are you referring?—To the Windsor Forest Inclosure Act, the 53 of George 3. It is a general Act, and not a local Act.

4882. If you will turn to the other Inclosure Acts you will find that there are allotments generally made to the poor?—Yes.

4883. Take, for instance, the Act referring to Egham; in that you will find no power of either leasing or inclosing?—Yes, I think there is.

4884. There is no power of leasing, I think?—It is appropriated to the exclusive use of the poor as its proprietors, and the power of leasing follows, as is illustrated by other cases. An early case which we had to deal with was the case of Bedfont, in Middlesex. There the land was set apart for the sole object of enabling the poor to cut fuel from the surface. It was represented to us that the whole surface fuel had been entirely exhausted; that the land, which was an allotment of 40 acres, if retained for its original purpose, would be utterly unproductive; producing no benefit to any person. We had no hesitation

hesitation in that case in authorising the letting of the land; it came practically within our powers.

4885. What distance from London is Bedfont?—I should think about 15 miles.

4886. Was it an open space?—I think at the time all the land round it must have been inclosed, and I think this was inclosed.

4887. Is the whole of it leased?—The whole of it is leased.

4888. No part of it is left for the enjoyment of the public?—We have lost sight of it since giving the power to the trustees to lease it. I have no doubt they availed themselves of that power.

4889. Under what Act did you lease it?—The first Charitable Trusts Act enables us to confer on the trustees of the charity power to lease, and powers to sell, powers to exchange, and so forth.

4890. *Chairman.*] It becomes vested in you in the Act of Parliament?—We have no interest in the land.

4891. But it becomes vested in you for charitable purposes, under whatever Act of Parliament the particular property may come?—It becomes subject in the hands of trustees to charitable purposes, and then the jurisdiction created by the Charitable Trusts Act, attaches on that land.

4892. Mr. *Locke King.*] You do not apply in any way to the Inclosure Commissioners to authorise the lease or sale of the land?—No.

4893. You do it as Charity Commissioners?—We do not sell; we have no power to sell any land, but we authorise the trustees to sell. The trustees would have no power to sell, but the Charitable Trusts Act enables us to confer an authority on trustees of charity property to sell.

4894. You do what is equal to selling it, because you lease it for 99 years?—That involves the same question.

4895. Will you state what occurred in the case of Egham?—It was represented to us in the strongest terms that the whole of the land at Egham was producing no benefit whatever, which had been allotted to the exclusive use of the poor. The trustees, and a large number of influential parishioners, represented to us that a sale of the land would be much more beneficial to the poor, who got comparatively nothing for it as it was, and they asked for our authority to sell the land: we enabled the trustees to sell the land, if they should think proper, and they did sell it.

4896. Do you know the extent of the land that was sold?—The Inclosure Act authorised an allotment of from 280 to 300 acres to the poor; it is by far the largest quantity which has been dealt with in that way, and it produced about 7,000*l.* on its sale.

4897. What portion of it was allotted for the use of the public?—I think there is some portion of it still left open, but no considerable part; you must consider it, generally speaking, as inclosed.

4898. Was there a unanimous feeling on the part of the inhabitants in favour of the sale?—I think we had no strong objection to the sale, and all the trustees were, I believe, quite in favour of it.

4899. What other open spaces of this kind have you leased or sold?—Not many; but I am sorry that I cannot answer with precision. There was one sale at East Hampstead of three strips of land constituting for a considerable distance, I believe, the margin of ground between the turnpike road and the boundary of Windsor Park: those strips, about 63 acres altogether, were sold. There was another sale of land which we were pressed very much to authorise at Winkfield.

4900. That, I think, is not within 25 miles of London?—I was going to say, that before we gave any authority, the Crown desired to purchase the land under special Acts relating to it, and did purchase a considerable portion of it from the trustees.

4901. What distance is that from London?—I do not know exactly. It borders Windsor Park. We did not authorise any sale, because, just before the matter was concluded the Crown expressed an intention to purchase, and they did purchase under their Acts. Finch-Hampstead is another of the parishes affected by the Inclosure Act. An allotment of 67 acres was sold there. In all cases our mode of proceeding is, that after obtaining the best valuation we can procure, we give public notice of the proposal to sell and entertain any objections that are made to the proposed sale. If we hear of no sufficient objection we proceed. We suspend the sale until the notice has been out for the usual time.

4902. Do you, as a rule, lay out any portion as an open space afterwards for the use of the poor in those cases in which you sell?—We only deal with the land which the trustees desire to sell. They ask us to supplement their authority, and that is all we do. If we think that the trustees have shown us that it would be more advantageous to the objects of the charity to sell than to retain the land, we give them authority.

4903. The nearest open space to London that you have leased is Bedfont?—We authorised a lease of 40 acres of land.

4904. For what number of years?—I do not recollect.

4905. Was it a long time?—I think not; it was not a formal transaction, but the trustees consulted as to whether they were right in leasing the land, as it was inapplicable for its original purposes, and would remain unproductive. The 40 acres were surrounded by other allotments, and I do not imagine that it was an open space.

4906. Mr. *Shaw Lefevre.*] At Egham, I understand you to say, there were between 200 and 300 acres?—Yes.

4907. Had that been allotted to the poor?—Yes, to the exclusive use of the poor.

4908. You considered it allotted not as an open space?—Certainly not; none of these are allotted as open spaces; on the contrary, I think they are all allotted in terms, to the exclusive use and enjoyment of the poor.

4909. Mr. Alderman *Rose.*] What becomes of the money?—The money is paid to our official trustees until it is invested in land again for similar objects; but it is difficult to find re-investments.

4910. Does all this money come under your control?—It is held by the official trustees.

4911. For the objects of the charity?—It is immediately invested in the funds for their benefit.

4912. For what purpose?—The income is paid to the persons entitled to the rents of the land.

4913. This is all land which has been given to the poor for turf cutting?—Yes, and the benefit of its produce would be distributable amongst the poor.

4914. Was the 7,000*l.* distributed amongst the poor of Egham?—No, the principal would never be

Peter Eyle, Esq.

18 May 1865.

be distributed; it would be the income instead of the annual enjoyment of the land.

4915. In whose name is the 7,000*l.* invested?—In the name of the official trustees. It is one department of the Charity Commission that officers are appointed to hold charitable funds, called official trustees.

4916. Have the overseers of the poor of Egham any control over it?—No. At this moment a scheme is in progress for disposing of the increased income; it is much larger than, with other fuel charities, they can spend specifically on fuel only.

4917. Does the amount go in aid of the poor's rates?—No.

4918. Who gets it?—The poor of the parish will do so; but up to the present time I do not think that they have received anything, because there has been a great deal of discussion about the mode in which it should be settled.

4919. In any case have the proceeds of these sales gone out of your hands?—Not the principal fund.

4920. But the interest?—Certainly.

4921. To whom does the interest go?—To the trustees of the lands. In these inclosures the appointed trustees of the lands sell the lands, and we pay them the income of the produce, and they are bound to distribute it in fuel for the objects of the charity, unless otherwise settled.

4922. You say that has been done, with the exception of Egham?—I think that the proceedings with reference to Egham are still in progress.

4923. Has it been done with reference to Bedfont?—Oh, yes; it has always been done.

4924. Mr. *Lyall.*] The official trustees are trustees, I believe, for a large amount of money?—Yes.

4925. They have a great many trusts?—Yes, several thousand trusts.

4926. Mr. Alderman *Rose.*] Have they several millions of money standing in their names?—I think rather more than two millions of stock.

4927. Mr. *Locke King.*] Is not this the great difference between the old Inclosure Acts and the modern Acts, that under the old Inclosure Acts allotments were made to the poor for fuel, while under the modern Inclosure Acts, allotments are made for recreation grounds?—That may be so.

4928. In the old Inclosure Acts no mention is made of recreation grounds?—I do not recollect ever to have seen any.

4929. In many cases, I think you will say that those allotments for fuel have become recreation grounds?—They have, certainly; but the legal title to them is in the poor.

4930. They are not now used for fuel except in very rare instances?—Yes; that was the reason that the trustees of Egham Common pressed for the sale, that the lands were not any longer useful.

4931. Mr. *Lyall.*] They are the private property of the poor of the parish?—Quite so. The extent of the land in the Egham case rather diverts attention, but if you take a small inclosure of 20 or 30 acres for the benefit of the poor, the facility of dealing with it as ordinary charity land is readily apparent.

4932. Mr. Alderman *Rose.*] Has this money been distributed among the poor of the parish of Egham?—That is the object.

4933. Will they get it?—Yes. It is a very much larger fund than they require for fuel, because there are a great many charities of the same kind in Egham. A sufficient proportion of it will, according to the judgment of all parties, be appropriated to increase the fuel fund, and the rest of it will be applied to other beneficial purposes for the poor, probably as a school fund.

4934. *Chairman.*] How did it happen that you were called upon to deal with Egham?—The trustees applied to us for authority to sell.

4935. Was the land vested in them for the benefit of the poor of Egham?—Yes; it was vested in them for the benefit of the poor occupying cottages not beyond a stated value.

4936. Upon their making that application to you, did it become your duty to make out a scheme?—Their application to us was for authority to sell. Then we found that the produce was so much larger than was expected, and that it could not be useful, employed merely as an addition to their fuel fund, and it became necessary to make a scheme for its application.

4937. Is there any poor-rate at Egham?—This sum would be appropriated to the increase of the fuel fund, and then to other beneficial purposes for the poor; not to the poor rates.

4938. Not in aid of poor rates?—No; it may be so in a very indirect manner. It is proposed to establish a school for girls, which is much wanted.

4939. For what purpose was this land originally left?—For providing fuel for the poor.

4940. You say that a small sum out of this will be sufficient for that purpose, and that you have a scheme for the appropriation of the surplus?—Quite so.

4941. And thereby devoted to charitable purposes, carrying out the objects of the original donor?—Yes, for the benefit of the poor. The object of all these schemes is to prevent the appropriation of any such funds in aid of a poor's rate.

4942. If the poor are comfortably maintained, they will not come upon the poor's rates?—If these funds are carefully administered, that is a very possible result.

4943. Mr. *Locke King.*] Have you any reason to know whether the poor were anxious for this sale of land at Egham?—I do not remember that they made great objection.

4944. You would recollect that, in a similar case, when it was proposed to inclose at Weybridge, the poor were thoroughly opposed to it?—Yes; we received a representation convincing us that it was undesirable in that case to exercise powers which are discretionary, and we refused to do it.

4945. You found that the poor were desirous of having it left as an open space?—Quite so; and we were glad to find that we were justified in leaving it alone. It is not a power that we have any desire to exercise, unless, according to the best of our judgment, this was required.

Mr. JAMES WELLS TAYLOR, called in; and Examined.

Mr. *J. W. Taylor.*

18 May 1865.

4946. *Chairman.*] ARE you the steward of Mr. Hodson?—I am.

4947. He has some property at Epping?—At Chingford.

4948. Is that a part of Epping Forest?—I can hardly say whether it is or not.

4949. Was it?—He has land both in and out of the forest.

4950. Mr. *Torrens.*] Has Mr. Hodson inclosed any part of the Forest of Epping?—He has inclosed certain lands which he purchased.

4951. Within the forest?—Well, that I cannot say.

4952. Has any correspondence taken place between the Commissioners of Woods and Forests with reference to his inclosing lands within the forest, the Crown rights of which he had not purchased?—I have heard so.

4953. A summons has been sent to Mr. Hodson himself; can you say why he is not present?—I know that he had a summons last week. At the present time he is under examination before the Master of the Court of Exchequer. He is coming here the moment he can get away from that examination.

Mr. JAMES WARREN called in; and Examined.

Mr. *J. Warren.*

4954. *Chairman.*] WHAT are you?—I farm land of my own in Chingford parish.

4955. Is that in Epping Forest?—It is on the borders of the forest, about half a mile from it.

4956. Then it never did form part of Epping Forest?—That I cannot say. I should imagine that many years ago it did.

4957. Mr. *Torrens.*] Are you aware of any encroachments that have taken place within the Forest of Epping?—I know of a great many.

4958. Are you aware of any encroachment made by a Mr. Hodson, in Chingford, St. Paul's?—Yes, he has inclosed a great portion of the manor.

4959. What quantity do you say that he has inclosed?—The quantity for which he is rated in the parish books, and which forms part of the parish is 210 acres under cultivation, and 110 acres of woodland. Those two lots he is rated for in the parish books.

4960. Those are within the forest?—Yes; then there are 30 acres uninclosed.

4961. *Chairman.*] Is he rated for those 30 acres?—No, they are not in useful occupation, that land is open to the public.

4962. How do you apply that to him?—That is the whole extent of the manor we have in the parish books.

4963. Mr. *Torrens.*] Are you a commoner yourself?—Yes.

4964. What rights do you exercise?—I turn cattle in all the year round. It used to be the practice only to turn cattle on 11 months in the year.

4965. You had the right of turning cattle on that land, which Mr. Hodson has inclosed?—Yes, and I exercised it for years before it was inclosed.

4966-67. Can you tell us what steps Mr. Hodson took; did he go through any forms previous to inclosures?—The first was a grant by the homage of 20 or 30 acres, I am not certain which.

4968. Did he purchase any rights of the Crown over that land?—I am not aware that he did.

4969. Is Mr. Hodson lord of the manor of that portion which he has inclosed?—Yes.

4970. Since when has he been lord of the manor?—I should think for 14 or 15 years.

4971. Was there any meeting of the homage previous to Mr. Hodson's inclosure?—Previous to the first inclosure there was a homage called.

4972. That was of 30 acres?—Yes.

4973. Except with regard to that, has he made any reference to the homage?—Not that I am aware of.

4974. Is the resort of the public within that quantity of land which Mr. Hodson has inclosed put an end to?—Yes.

4975. How is it inclosed?—With a post and rail fence.

4976. At what height?—About four feet, I think.

4977. Have any steps been taken by him to warn trespassers not to resort to that piece of land?—I do not know that there has been any notice to persons; I only know that cattle has been impounded for trespassing on the land.

4978. Can you state the exact locality in which the inclosure has taken place?—It is to the left of Queen Elizabeth's lodge, in a northerly direction, running from north to north-east.

4979. Have any steps been taken by the Verderers' Courts at any time to abate this inclosure?—They have been done away with altogether.

4980. Then no steps have been taken?—No.

4981. How long is it since this inclosure was made?—It is about 10 years, I should think, since the commencement, but I am not positive as to the time.

4982. You have no doubt that this inclosure is within the borders of Epping Forest?—I have not the least doubt about it.

4983. *Chairman.*] What quantity of land is there?—Altogether between 300 and 400 acres, in his manor.

4984. Is that the part near Queen Elizabeth's Lodge?—Yes, that is the commencement of the inclosure.

4985. So that 300 acres are inclosed?—No, it appears according to this that only 210 acres are under cultivation.

4986. There are 170 acres in the neighbourhood of Queen Elizabeth's Lodge?—Yes, the manor of Chingford Earl's adjoins the manor of Chingford St. Paul's.

4987. Mr. *Torrens.*] When did Mr. Hodson acquire possession of this land?—I am not certain as to the time, but I think he purchased it 15 or 16 years since.

4988. Of whom?—Of the executors of the Rev. Mr. Snell.

4989. Were you resident in the manor when his predecessor had possession of it?—Yes.

4990. Were there any inclosures made in it at that time?—None.

4991. *Chairman.*] You gave your evidence before the Select Committee of Royal Forests in 1863?—Yes.

Mr. CHARLES WATKINS, called in; and Examined.

Mr. C. Watkins. 18 May 1865.

4992. *Chairman.*] WHAT office do you hold?—Forest Keeper of Waltham Forest and Purlieu Ranger.

4993. Are you the head keeper?—There is only one besides myself now; there used to be 10.

4994. Were you a forest keeper at the time there were 10?—No, not exactly.

4995. How long have you been a forest keeper?—About 20 years, but I used to assist the keepers 30 years ago.

4996. Do you recollect when there were 10?—Yes.

4997. How long since is that?—About 15 years.

4998. At the time there were 10, what duties used you to perform?—Protecting the deer, and preventing inclosures round the forest.

4999. What are your duties at the present time?—The same exactly.

5000. Are there any deer to protect?—Yes, there are a few deer; we see sometimes as many as eight or ten, and sometimes three or four.

5001. You do not know the exact number?—No, it is impossible to tell.

5002. You now and then fall in with them?—Yes.

5003. Have you killed any lately?—Not very lately; we killed two last season; they have fallen off very much lately.

5004. Is that in consequence of the number of keepers being diminished?—It is, and also the forest being so cut into.

5005. Is it your duty to look after the encroachments on the common?—Particularly so.

5006. And to report them?—Yes.

5007. Who do you make your report to?—To Mr. Howard, the Commissioner of Woods and Forests.

5008. Are there any verderers?—One.

5009. Who is he?—Colonel Palmer.

5010. Do you make any report to him?—Sometimes; we used always, at the time the quarterly courts were held, to make presentments.

5011. There are no quarterly courts held now?—No.

5012. Mr. *Torrens.*] There cannot be?—There cannot be without a second verderer.

5013. *Chairman.*] Do you know of anybody being proceeded against for encroachments on the forest?—Not particularly.

5014 Do you know anybody in general?—I know there have been such things.

5015. Have any steps been taken in consequence of the presentments which you say were made?—One I remember particularly was.

5016. When was that?—About two or three years ago.

5017. Where was that?—At the Green, a place near the forest.

5018. Proceedings were taken?—Yes.

5019. What was the result?—I believe it was in favour of the inclosure.

5020. Have you proceeded against anybody for cutting wood?—No; the wood I, as forest keeper, have nothing to do with.

5021. I believe a great many persons go down to Epping Forest for the purpose of enjoying themselves?—Yes, in the open parts of the forest.

5022. What days do they generally come?—At all times, but more particularly Sundays and holidays.

5023. Do they come down in any great number?—Oh, yes; a great many come by rail, and some by vans and conveyances of their own.

5024. Is the Easter Monday Hunt continued now?—Yes, it was this season.

5025. Were there many people down on that occasion?—I never saw so many, I think.

5026. How many do you suppose there were?—I cannot tell; there were several thousands.

5027. What hounds were there; a scratch pack?—I always keep a couple for the purpose of driving the deer when I am sent for; and sometimes, if I am not sent for, if I find the deer encroaching, it is my duty to drive them away; and with these hounds, and the assistance of five or six couple more which we get, we hunt the deer on Easter Monday.

5028. How many couple of hounds do you have?—We muster altogether, perhaps, six or seven couple.

5029. What pack used formerly to hunt the deer on Easter Monday?—The first, I remember, were kept at Roundham's, at Woodford Wells, and that was called the Wellesley Hunt.

5030. They used to hunt at other times, I presume, besides Easter Monday?—Yes.

5031. And Epping Forest was one of their meeting places?—Yes, it was.

5032. They likewise met at other places?—Yes, various parts.

5033. Those hounds have been given up?—Yes, some years.

5034. Then, in point of fact, there is no regular pack which hunts on Easter Monday?—No.

5035. How many persons do you suppose came down last Easter Monday?—It is impossible to tell; some thousands.

5036. Were there many on horseback?—Yes, a good many; and there were all kinds of conveyances.

5037. Did they follow the hounds in carts, as well as on horseback?—Some went along the roads as far as they could.

5038. They went through the forest?—Yes.

5039. Have you made any reports during the last year to the office of Woods and Forests?—Yes.

5040. How many do you suppose?—Two or three of some small inclosures which have been made round the forest, on Sir Charles Wake's land.

5041. What do you call small inclosures?—Slips by the side of the road.

5042. Have you made any reports of large encroachments on the forest?—Not of late.

5043. Have there been any?—Not for the last year or two; not on the part where the Crown rights are not paid.

5044. What is the largest that you recollect?—The largest, I think, was 10 acres, in Walthamstow.

5045. Did you report that?—Yes.

5046. What was the result of your report; anything?—I do not know of anything being done.

5047. Do you recollect the exact date of that?—It is about five years since. It was something that Dr. Walker did.

5048. Is

5048. Is it now inclosed?—Yes, it is inclosed.

5049. And no notice has been taken of it?—Not that I am aware of.

5050. Do you recollect Mr. Hodson's inclosure?—Yes, very well; it was in my father's time, and he protested against it, and after his death I did so.

5051. You likewise protested?—I did.

5052. Did the encroachments go on from year to year?—Yes.

5053. You have made these presentments, you say; have you received any directions at any time to act by pulling down fences, or anything of the sort?—No, certainly not.

5054. Then, in point of fact, no action whatever has been taken to prevent these inclosures on the part of the Woods and Forests?—Not that I am aware of.

5055. Have the forestal rights been sold by the Woods and Forests?—In different parts of the forest, I believe they have.

5056. You have no list of those?—No.

5057. By whom are you paid?—By the Crown; by the office of Woods and Forests.

5058. Have you forms of notices of encroachments?—Yes.

5059. Who furnishes you with them?—I have not any forms in particular sent to me; I merely present the encroachment, and state where it is, and what it is.

5060. To the Woods and Forests?—Yes.

5061. You have not served any notices on the persons who have encroached?—Yes; I had to attend the quarterly courts when they were held.

5062. How long ago is that?—Perhaps eight or ten years since.

5063. Since that have you ever served any notices?—No.

5064. Or been directed to do so by the Office of Woods and Forests?—No, I have not.

5065. Then, in point of fact, the Woods and Forests leave Epping Forest to take its chance, with you to protect it, and when you have made any complaint they have given you no directions whatever; is that so?—I cannot say that exactly; I am directed to present every encroachment.

5066. To them?—Yes.

5067. But no action has ever been taken upon any of your presentments?—Not that I am aware of.

5068. Mr. *Doulton.*] Did you receive any special instructions as to Mr. Hodson's inclosure?—Yes.

5069. What were those instructions?—I was there on duty in September last: I met with Mr. Hodson, and he warned me off that part of the forest; I told him I believed I had a right to go there on duty, as I always had done; he told me I had no right there at all, and threatened me with law proceedings; I wrote to Mr. Howard, stating the case, and I had an answer back saying I was to use my forestal rights as I ever had, until I heard to the contrary, which I have done.

5070. Do you exercise rights over the inclosure?—Yes, I do.

5071. What rights do you exercise?—I walk over it occasionally, and see that nobody trespasses after game.

5072. What is the extent of the inclosure?—About 200 acres.

5073. Is it inclosed by a fence?—Yes.

5074. Do you get over the fence to exercise your right?—Yes, or over a gate; but the fences are very bad; there is no quick fence.

5075. Have you been interrupted by Mr. Hodson since that?—No, I have not seen him.

5076. Have you general instructions to report every inclosure that takes place?—Yes.

5077. And you have done so?—Yes, in the part of the forest where the Crown rights are not paid.

5078. How do you know where the Crown rights have been purchased?—I am supposed to know that, generally.

5079. Do you report every inclosure?—Yes, every one that comes under my notice, I do.

5080. *Chairman.*] What wages do you have?—£. 20 a year, as forest keeper, and 10 *l.* as purlieu ranger.

5081. Then you have some other employment?—Yes, I hold a little land.

5082. I suppose you do not devote the whole of your time, or half of it, to this; you only go over the forest now and then?—Now and then; occasionally.

5083. Mr. *Doulton.*] How often have you been over Mr. Hodson's inclosure since that occasion you spoke of?—I am over a part of it almost every day.

5084. Are you the only forest keeper?—There is one more, of the name of Browning.

5085. Mr. *Peacocke.*] Do you shoot over this portion which Mr. Hodson has inclosed?—Well, sometimes: we used to have a great quantity of rabbits, and Mr. Hodson used to complain very much, and we used to take them all that we could; however, there are none to hurt now.

5086. But you still shoot?—Oh, yes, I exercise the forestal rights; the year before last I killed a deer there, and Colonel Palmer, the verderer, had it.

5087. Does Mr. Hodson claim the right of shooting over that portion which he has inclosed?—I never have seen him shoot.

5088. Or anybody on his behalf?—Not with his permission, that I am aware of.

5089. Have you turned people off whom you have seen shooting?—Yes.

5090. Mr. *Torrens.*] In the manor of Chingford St. Paul's, Mr. Hodson's property is?—Yes.

5091. Did his predecessor make any inclosures?—Not that I am aware of; the Rev. Thomas Snell was the gentleman.

5092. Have you reported any inclosures being made in Woodford Manor, Buckhurst Hill, Chigwell, or Wanstead?—No; at the time the inclosures were going on, the keepers were alive; but since then the manor has been sold, at least, the right over this manor; there is only one nearer London, and that is Walthamstow, that came under my notice.

5093. You say that the number of keepers is diminished from 10 to two?—Yes.

5094. What is the reason of the diminution?—As the old ones died off, there were no fresh ones appointed.

5095. Were any applications made for the appointment?—Not than I am aware of; there was one of the name of Lowton, but he was not sworn.

5096. Do you know the reason why he was not appointed?—No, I do not.

5097. Was there an officer of the forest called the woodward?—I have heard of such a man.

Mr. *C. Watkins.* 18 May 1865.

5098. Do you know what his duties were?—There was one in Hainault Forest called John Laver.

5099. Had he anything to do with Epping?—No.

5100. What were his duties?—I do not know; I think he had to mark out the different plots of land for the poor, or for the copyholders round about.

5101. Had he any charge of the timber or the trees?—I am not aware that he had; he had some portion of the trees.

5102. What portion of the trees?—That on the Crown portion he had, I believe.

5103. Was that in Hainault?—Yes.

5104. Mr. Alderman *Rose.*] Do you happen to know what the verderers duties are?—I do not know exactly; but to appoint the under officers, I believe.

5105. How is it that the other verderer has not been appointed; there ought to be two, ought there not?—There is only one.

5106. But there ought to be two?—Yes; there used to be four.

5107. Colonel Palmer is the only one now?—Yes.

5108. Does he ever exercise any of the functions of verderer?—No; he is very sorry that he cannot, from the want of a brother verderer.

5109. Mr. *Doulton.*] Is the manor of Loughton in your jurisdiction?—I do not consider it so now, since it has been sold.

5110. Are you aware whether that has been inclosed?—Yes, the greater portion of it has been inclosed.

5111. Do you know whether the forestal rights of the Crown have been purchased?—To the best of my knowledge they have.

5112. Do you know whether Lord Maynard has purchased his rights?—I do not.

5113. But there is an inclosure, I believe?—Yes.

5114. Do you know whether the Honourable Mr. Ashley has purchased his rights?—I think not.

5115. But he has inclosed also?—Yes, but very little, on what we call the lower part of the forest.

5116. Do you know Sir Charles Wake?—Yes.

5117. Has he inclosed?—Yes.

5118. Do you know whether he has purchased the Crown rights?—Not that I am aware of.

5119. Do you exercise your jurisdiction over them?—Yes.

5120. Have you been interrupted by him at all?—Not at all.

JOHN GARDINER, Esq., called in; and Examined.

J. Gardiner, Esq.

5121. *Chairman.*] You are solicitor to the Woods and Forests?—No, I am solicitor to the Board of Works, and to the department of the Royal Forests.

5122. Has the sale of the forest rights been conducted by you?—No, they were not conducted by me, they were conducted by Mr. Driver, the surveyor.

5123. There is some deed, I presume?—Yes.

5124. Mr. Driver does not draw that?—No; there is a printed form with regard to the small ones.

5125. But with regard to the large ones?—They come to me.

5126. When was the last?—I think the last was for a railway company.

5127. When was that?—I forget the date; they were making a new railway from London to Epping.

5128. Under what Act is it done?—The 10th Geo. 4, cap. 50, sec. 98.

5129. What power does that Act give you?—That Act states, "That it shall be lawful for the said Commissioners for the time being of his Majesty's Woods, Forests, and Land Revenues, and they are hereby authorised and empowered, from time to time to contract and agree with any person or persons, or body or bodies politic, corporate, or collegiate, for the sale or exchange of, and absolutely to dispose of, either by way of sale for such sum or sums of money as to them shall appear a sufficient consideration for the same, or by way of exchange for any other lands or hereditaments, with or without giving or receiving any sum of money for equality of exchange, any part or parts of the said possessions and land revenues of the Crown to which this Act relates, which shall consist of any parcels of land in any of the Royal forests which are or may be wholly or in part surrounded by, intermixed with, or contiguous to other lands not the property of the Crown, and which parcels of land shall not be suited for the growth of timber, or any waste or other lands in any of the Royal forests which shall not exceed in value, in any one instance, the sum of 1,000*l.*, or of any rights or interests which his Majesty now hath, or which he, his heirs or successors, may have, over parcels of land in any of the Royal forests, the property of any of his Majesty's subjects, and which rights and interests shall be considered as of little value to the Crown, or of any rights of forest, free chase, and free warren in or belonging to any of the Royal forests extending over the lands of any of his Majesty's subjects."

5130. Then under the words, "rights and interests," you sell the forestal rights?—Yes, rights of forest, &c.

5131. With regard to Epping Forest, what are the rights that you consider to be the rights of the Crown?—The rights over Epping Forest are extremely well described in the 15th Report of the Commissioners of Land Revenue of 1793. Those reports which are most elaborate reports, I take as my text book; they are compiled with extreme accuracy; with a reference in every instance to documentary evidence. It is printed, I think, in the Appendix to the Report of the Royal Forests Committee of 1863.

5132. Can you refer to those reports?—You will see the parishes which have right of common, parishes wholly within the forest, and parishes partly within the forest; then you will find a long paragraph, and at the end of the paragraph, almost to the last sentence, you will find this, which I think is important: "According to a computation made from that survey, the forest contains in all about 60,000 statute acres, of which about 48,000 acres are the estimated contents of inclosed private property, and the remaining 12,000 acres, the amount of the uninclosed woods and forests. The lands which belong

belong to the Crown in this forest, exclusive of some adjoining parts granted by lease, are situated in the part called Henault Forest, or more properly East and West Ham Walks, and lie within the parish of Barking and Dagenham." Therefore, those are the lands which the Crown is entitled to, as the demesne lands of the Crown, making altogether 3,270 acres. That was the land of the king in Hainault, his own land, over which he had the soil, the timber, the underwood, in fact all the rights.

5133. Down to what time?—He had it down to the inclosure: that is the portion inclosed.

5134. When was that inclosed?—About 10 years ago.

5135. Then the Crown inclosed all that which was their demesne land?—Yes; then the rest was the private property of the subject, in Epping over which the forestal rights of the king extended.

5136. Will you explain what you mean by the private property of the subject?—The manors; it is the same precisely as any other manor.

5137. Were those copyholders there?—There were copyholders in each manor, I believe.

5138. And the Crown merely had the forestal rights?—Merely the forestal rights, that is, the right to wolves, bears, deer, and so on; I can give you those particularly if you wish them put on the notes; there are beasts of forest, beasts of chase, and beasts and fowls of warren.

5139. The forestal rights include all three?—Yes.

5140. Perhaps you will tell us what each of them are?—The beasts of the forest are the bear, the wolf, the hart, the hind, and the hare. The beasts of chase are the buck, the doe, the martin, the fox, and the roe; the beasts and fowls of warren are the hare, the coney, the pheasant, and the partridge; there, I think, Manwood and Lord Coke agree.

5141–2. However, the hare is included?—Yes.

5143. Whether under the forestal rights, or the rights of warren?—The forestal right covers the three; the right of forest covers the right of chase, and the right of warren.

5144. Then the Crown has the right to all these beasts of forest, the chase, and likewise all the game?—Well, that is a question which is rather perplexing.

5145. At all events, pheasants and partridges?—Well, that is a question which is very complicated.

5146. In what way?—There are some rights in the lords of the manors, and they may claim a right of sporting.

5147. Can they claim a concurrent right?—I think they do.

5148. Do they claim an exclusive right?—No, I do not think they do.

5149. It is simply concurrent?—Yes.

5150. Can you state the name of anybody who has ever claimed that?—I cannot from recollection, there are so many of these cases.

5151. You do not recollect anybody who ever claimed the right?—No.

5152. Have you ever heard of anybody who claimed the right to shoot?—I imagine they do, but I do not know it of my own knowledge.

5153. That right in the Crown gives the Crown right to all these animals, and likewise birds which are enumerated in these three definitions, of forest, chase, and warren?—It gives the Crown the exclusive right.

5154. It gives the Crown the exclusive right unless the Crown has given a license to some one else?—By grant. *J. Gardiner, Esq.* 18 May 1865.

5155. It must be by grant, and that grant must be by deed?—Yes.

5156. Nobody can set up any right except by prescription, and that presumes a grant?—Yes, prescription would presume a grant.

5157. Then unless they could produce a deed they could set up no right to the game which were generally upon Epping Forest?—I humbly apprehend not; they could not do it successfully, in my opinion; but, of course, that is a question which I answer with some diffidence.

5158. Then this being vested in the Crown, the Crown has a right to pursue and to kill game throughout the whole of Epping Forest?—The whole of the uninclosed part of Epping Forest.

5159. And in doing that, has a right to go over the land of all persons within that forest?—Within the regard.

5160. What do you mean by the regard; within the purlieu?—No, within the forest; there may be land disafforested out of the regard, but locally within the forest.

5161. How do you mean disafforested?—By grant, or by Act of Parliament; I think that Manwood or Lord Coke mentions "within."

5162. But are there such things there?—Well, I think Lord Coke says so.

5163. We are not talking about Lord Coke now, but about Epping Forest, and I ask you whether to your knowledge you know of any person who has an exclusive right in Epping Forest, which should prevent the Crown from exercising those rights which are vested in it by their position of forestal rights; do you know of any person?—I cannot say at this moment that I know of any person.

5164. Do you know of any land, with respect to which such a title has been set up?—That I cannot say.

5165. But having read Lord Coke and Manwood, and divers other learned works, you say that such a state of things might possibly exist?—The land might very well be within the forest as you will see, and out of the regard; that is "within" the ambit, but not part and parcel.

5166. But you do not know of any such thing existing with respect to Epping Forest?—The name of the place to which I referred, either in Manwood or Lord Coke, is Walwood; of course I should except where the Crown has sold its forestal rights.

5167. The Crown has sold certain of its forestal rights; does that return which you have mentioned set out the whole of the sales which have taken place?—Yes, from 1816, I think.

5168. Down to the present time?—Down to the 8th May 1862.

5169. When was the resolution passed by The House of Commons?—In 1863.

5170. What was the purport of that resolution?—That no more sales of the rights of the Crown should take place.

5171. Have any sales taken place since then?—I believe not, except to the railway company.

5172. And that was under an Act of Parliament?—Yes.

5173. What directions have been given by the Commissioners of Forests with respect to any inclosures taking place since that resolution was passed?—I cannot speak, of my own knowledge, to that; that would be for Mr. Howard.

5174. Since that resolution was passed by The House

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House of Commons, have any steps been taken at all by the Commissioners, to prevent encroachments and inclosures?—Yes, the law officers of the Crown have advised upon those matters.

5175. When the Committee sat the other day, they wished to have the opinion of the law officers of the Crown; was that brought to your notice?—Mr. Howard mentioned it to me yesterday, but I know nothing further about it.

5176. You have not got it with you?—I have it, but I have not got it here.

5177. Did Mr. Howard communicate with the Board of Commissioners respecting it, and have any steps been taken with a view of procuring it for the Committee?—I think Mr. Howard told me that the Committee wished to have a copy of the case and opinion laid before them, which he referred to in his evidence, provided there was no objection to it; and I officially reported that in the course of my experience I had never known cases and opinions of the law officers of the Crown given to a Committee of The House of Commons on questions which have arisen between the Crown and the public, because it might lead to difficulty, and I conceive it would seriously prejudice and embarrass the Crown if those cases and opinions were disclosed.

5178. Are you aware that Mr. Howard gave us the purport of the case?—Only of the opinion, I should think.

5179. And the questions which were asked?—I think I have known cases where the general purport of the opinion of the law officers has been given, but certainly not the case.

5180. Were the questions which were put to the law officers simply legal questions, or were they questions asking them merely to advise as to the course which should be pursued?—I am quite sure that, being conversant with these matters, you will not ask me to go a step further than I ought in my position. Being solicitor to the Department I have a difficulty in knowing how far I ought to go; I think the questions were both legal and general.

5181. The purport of the answers which were received appeared to be not deciding any legal question, but merely advising as to the course to be pursued?—Yes, that is the most important point, because it is really a question of policy, for if one case is taken up all must be taken up. I do not suppose that there was the slightest indisposition on the part of the Crown, but the Government has been censured so much for incurring expenditure and running into litigation the result of which might turn out to be productive of nothing whatever for the revenue, that they would hesitate very much, because they may be asked by-and-bye, as they have been on many occasions before, about the expense of the litigation, and the result to the Crown.

5182. Then it resolves itself into a question of whether any pecuniary advantage is to be obtained by the proceeding?—Yes.

5183. Was that, in point of fact, the question which was submitted?—No, I have not got the questions here, but, the facts were submitted. One of the most prominent points was Mr. Hodson's encroachments, and what proceedings should be taken to abate them, and generally what proceedings should be taken, if any, to prevent further encroachments on the forest, and the result in an official point of view, or a pecuniary point of view rather.

5184. This is Mr. Howard's answer to the question: "Will you be good enough to repeat the purport of that opinion? The answer is: "I will read the questions I submitted to them with the Report of 1863. The first question was with regard to the forestal rights of the Crown over the manor of Chingford St. Paul's, and the proceedings to be taken on behalf of the Crown for asserting and maintaining its rights as regards this manor; and secondly, as to the course to be taken on behalf of the Crown, as respects the remainder of the open wastes of manors and inclosures recently made therefrom, over which the forestal rights have not yet been parted with. The purport of the opinion of the law officers was, that having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of any additional revenue to the Crown, if the course pointed out by the House of Commons be followed, the law officers were of opinion that the Commissioners of Woods should make a special report on the whole subject to the Treasury, asking for instructions as to what should be done with regard to Mr. Hodson's, or any other considerable encroachments. I call attention to the word 'considerable,' and requesting attention to the whole subject, as one involving a question of policy, which can only be determined by Her Majesty's Government, and which, if determined according to the views of the Committee of the House of Commons, cannot be satisfactorily dealt with by the Office of Woods, without new legislation. That was the opinion of the law officers of the Crown, December 1863, and I have already stated the steps I took"?—That is the purport of it.

5185. Was any question raised at all as to the right of the Crown to these forestal rights over Epping Forest?—Do you think I can answer that with propriety. In stating the case, the attention of the law officers of the Crown was especially called to the manor of Chingford St. Paul's, and the circumstances under which the lord of the manor would, in all probability, claim to hold it, asking, under that state of title, what should be done.

5186. But did the question of forestal rights arise there?—The abating of the inclosures was the important question.

5187. Was any question raised as to whether the Crown had given up its right to these forestal rights over Chingford St. Paul's?—The Crown has not given up its rights; I do not admit that for a moment, I assert distinctly that it has not.

5188. The Crown has still its forestal rights over Chingford St. Paul's?—Yes.

5189. Then, having those rights, they are entitled to the game there?—Yes, and the deer; I was glad to hear from the keeper that he had been exercising that right.

5190. Then did it not resolve itself into this, whether or not, in a pecuniary point of view, there would be any advantage to the Crown in that department, that is the Woods and Forests, interfering with these encroachments?—No.

5191. It was a question whether it would be advisable to take proceedings, and it was said it would not?—I do not think there was any such question as that; the whole facts were stated.

5192. But here they say: "Having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of additional revenue to the Crown, if the course pointed out by the House of Commons be followed, the law officers were of opinion that the Commissioners of Woods should make

make a special report on the whole subject to the Treasury"?—Yes.

5193. Was that with a view to avoid expense, where no equivalent in point of money could be obtained?—Yes, the Attorney General being the party filing the informations, and who would be responsible for the whole of the proceedings after the informations were filed, it is my duty to put before him every single point, whether it bears one way or the other, that he may see precisely how the matter stands.

5194. Then he said no steps ought to be taken without further instructions from the Treasury?—I think the law officers were of opinion that nothing could be effectually done without further legislation, which I think you will see is a correct opinion; I have long thought so; it is a right which exists in point of law; but the machinery to protect it is extremely defective.

5195. Mr. *Doulton.*] Are the facts of inclosures being made reported to you or Mr. Howard?—No, they are reported to Mr. Howard, and he may refer them to me.

5196. Are they reported to Mr. Howard direct from the common keeper, or to you?—Not to me.

5197. Does Mr. Howard report the fact of the inclosures to you?—Not unless Mr. Howard wishes my opinion; if he did he would refer the letter to me, and I would write my opinion on it and send it back.

5198. Supposing a report is made to Mr. Howard, that some inclosure has taken place, would he not naturally refer that report to you; would it not be in the ordinary course of business?—I think he would.

5199. And act upon your advice?—Yes.

5200. Is it upon your advice that no steps have been taken?—No.

5201. Upon whose advice?—The law officers of the Crown.

5202. Do you not advise in cases of inclosure?—I have no right; I cannot presume to advise in a case in which the Attorney General takes precedence; he distinctly stated that he would take no proceedings, 12 years ago.

5203. But proceedings have been taken since that period?—Not that I am aware of.

5204. Are you not aware that proceedings have been taken during the last 12 years?—I am not; indeed I am sure that none have been taken by the Attorney General, who only could proceed.

5205. Upon what opinion is the Board proceeding now; upon the opinion given by the Attorney-General 12 years ago?—There have been two opinions, one by the then Attorney General, the present Lord Chief Justice of the Queen's Bench, and Mr. Willes, given in 1853, the purport of which, I suppose, I may state if the Chairman likes.

Chairman.] Yes, I should like.

5206. Mr. *Peacocke.*] And the purport of the case too?—No, I cannot do that.

5207. Mr. *Doulton.*] Can you not give us the purport of that opinion the same as Mr. Howard did with regard to the other?—I think I should be justified, as he as given the purport of the opinion of 1863, in giving the purport of the other. It was given in 1853, and was that, having considered the facts relating to Epping Forest, they were of opinion under all the circumstances that it would not be expedient to institute legal proceedings; that they think it would be desirable and proper to dispose of the forestal rights of the Crown in the forest at such reasonable price as may be obtained under the powers in the Act 10 Geo. 4, c. 50.

5208. What is the date of that opinion?—1853.

5209. Since then you have disposed of them?—Certainly. That was reported to the Treasury; the Treasury concurred in that opinion, and directions were given accordingly, and this is the result.

5210. *Chairman.*] You are speaking of this opinion of the Attorney and Solicitor General?—Of the last opinion of 1863.

5211. Was it given with reference to the case which was laid before them as to whether or not there would be any pecuniary advantage to the Office of Woods, by pursuing these proceedings?—No, that was not the purport of the case; that was mentioned in the case, but the substance of it was, whether proceedings should be instituted against Mr. Hodgson to abate the inclosures which he had made in the Manor of Chingford St. Paul's; that was the purport of the case, and it was for them to advise what steps should be taken to suppress the encroachments of a similar nature, on the forest.

5212. Whether it would be advantageous to do so?—No, I think that was not put in the question, but it was in the case.

5213. Mr. *Doulton.*] I think I understood you that no proceedings had been taken for the last 12 years?—No, you see none could be taken; the proceedings could only be taken by the Attorney General under the 10 Geo. 4, c. 50; you will see that when the Verderers' Courts were in operation, practically they were of no use as regards Epping, with respect to that portion of which the soil was not in the Crown; because this Act of Parliament says, that in every case where the man summoned appears and avers that the inclosure is not within the forest, or not within the land of the King, the verderers are estopped from going further, and must report to the Attorney General, in order that he take such proceedings by information or otherwise, as he may think fit; so that as regards Epping, where the soil was not in the Crown, the verderers' power was really nothing, because the man had merely to come and aver the fact, which the Crown admits, that the land is not the land of the Crown. Section 100 says, "Provided nevertheless, that in case it shall be insisted upon by any person or persons who shall be proceeded against in any of the said attachment court or courts as hereinbefore directed, that the place wherein the inclosure, purpresture, encroachment, or trespass, shall have been or shall be alleged to have been made, was not within the boundaries of any of the said forests, or within the lands belonging to his Majesty within the same, the said verderers shall not proceed to conviction, but shall certify the presentment of such offence to his Majesty's Attorney General, to the end that such proceeding may be had therein by information of intrusion, or otherwise, as by law might have been had before the passing of this Act."

5214. In fact, as I understand, no proceedings have been taken for some years against those who have inclosed?—None since the case of the Attorney General *v.* Hallett.

5215. But you have on many occasions disposed of rights since that time?—Yes.

5216. How long is it since you abandoned the disposal?—

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disposal?—Since the resolution of the Committee in 1863.

5217. Have you had applications since that time for the purchase of rights?—I do not know; I should not see the applications; they would go to Mr. Howard.

5218. Has Mr. Howard not referred to you any applications to purchase rights since that resolution of the House of Commons?—I really cannot charge my memory that he has. There was a sale to a railway company.

5219. I will come to the railway company directly?—It was an application to purchase the rights of the Crown since the resolution.

5220. Under an Act of Parliament?—No; they sought to purchase a piece in addition to what was scheduled in their Act, and I recommended that it should not be sold in the face of the resolution of the House of Commons.

5221. Was the answer to that application a simple refusal?—As regards the excess, certainly.

5222. It is not in your recollection that any other applications have been made?—I cannot charge my memory at this moment; there may have been.

5223. Who was the surveyor for the land which was sold to the railway company?—Mr. Driver.

5224. What amount of land was taken?—I really cannot at this moment tell.

5225. Do you know the principle upon which the purchase money was paid?—No.

5226. Can you give us any idea of what sum per acre was given for the Crown rights?—I could not, from recollection, tell you; but I believe Mr. Driver valued the Crown rights, and the company gave the price at which he valued them.

5227. You do not recollect what price that was?—No.

5228. Has any principle been adopted as to the valuing of those rights?—That would be the surveyor's duty; I imagine that he must have some principle to go upon.

5229. You do not know what principle it is?—No.

5230. Or what per acre?—No, it varies considerably, I think it was about 4 *l.* or 5 *l.* per acre.

5231. Then I quite understand that you have not given any opinion as to the propriety of taking proceedings against those who have inclosed?—Certainly not.

5232. It has been purely upon the advice of the law officers of the Crown?—Certainly. If the law officers advised proceedings, and the Treasury sanctioned it, of course the proceedings would go on.

5233. Mr. *Peacocke.*] Since that resolution was come to by the House of Commons, have you had any reports made to you of any inclosures which have taken place, where the rights of the Crown have not been purchased?—Those reports are never made to me, they are made to the Commissioners.

5234. You would not be cognizant of them?—Not unless Mr. Howard referred them to me.

5235. You stated just now that you were very glad to hear that the keeper have been exercising those rights?—Yes.

5236. What was the source of your pleasure as regards that; did he act under instructions from the office?—Very possibly he did; but I aver distinctly that the forestal rights extend over these inclosures which Mr. Hodgson has made. I have no feeling in the matter, except that the proceedings might, in the result, involve the Crown in an expense of perhaps 1,000 *l.* or 1,500 *l.*

5237. Never mind that, just answer the question?—I have answered it.

5238. You stated that the law officers have advised you not to take proceedings to sell?—I think that was not exactly what I stated; but I will read it again from the written document, because it is important that I should not go one step beyond what the statement was.

5239. I am speaking of the opinion of 1853?—It was that having considered the facts relating to Epping Forest, they are of opinion, under the circumstances, that it would not be expedient to institute legal proceedings, and that they think it would be desirable and proper to dispose of the forestal rights of the Crown in the forest, at such reasonable price as may be obtained under the powers in the Act.

5240. I presume that you gather from that that their meaning was that they preferred selling those rights to having litigation with those persons who had inclosed in spite of them?—The presentments which were made by the verderers, and the subject matter of the information from those presentments, involved, I think, eight distinct cases. The verderers certified to the Attorney General in 1853, and the Attorney General disposed of those presentments.

5241. That is not the question I asked; what I asked you was this, do you not gather as the purport of that opinion of the law officers which you have just read to the Committee, that in preference to taking proceedings against those parties, they advise you to sell the forestal rights?—I draw no inference; I have read the opinion, and the Committee will draw their own inferences.

5242. I believe you are the legal adviser of the department?—I am the solicitor to the forests; the Attorney General is the adviser.

5243. You are the solicitor of the department?—Yes.

5244. Then I ask you, as the solicitor of that department, whether you do not understand from the opinion which you have just read to the Committee, that what the law officers advise you is to sell these forestal rights?—The opinion speaks for itself; I respectfully decline to express any opinion on the subject; I have given the law officers' opinion, and the Committee will draw their own inferences, and form their own conclusions from it.

5245. The concluding portion of the opinion is that they advise you to sell, is it not?—"That it will be desirable and proper to dispose of the forestal rights of the Crown in this forest."

5246. That means, to sell, does it not?—Yes, under the Act of 10 Geo. 4.

5247. In 1853 the law officers of the Crown advise your department to sell, and in 1863 the House of Commons tells it not to sell; that, therefore, places your department in a different position from the time when the law officers gave you that advice, does it not?—Very different.

5248. Therefore, you having no alternative as to selling, under that resolution of the House of Commons, it places you in a different position as to whether or not you ought to abate these inclosures?—Certainly.

5249. Have

5249. Have you realised that fact in your office?—Certainly.

5250. Have you taken any steps towards abating these inclosures?—No step can be taken, as I have already stated, except by the Attorney General in person; the Attorney General has been consulted, and I have read his opinion.

5251. What do you mean by the Attorney General in person doing it?—By information.

5252. Supposing your department gave instructions to take down some of these fences, if they were above four feet high?—If they did that without the sanction of the Attorney General, I think they would be in a very extraordinary position.

5253. You said it must be by the Attorney General in person?—Yes, by information.

5254. There is another course, which is that your department can break down anything which is above the height of four feet; are you not aware of that?—I am not quite sure that that is so clear as is assumed. I am aware that it is suggested, and that it is contended; but whether it is so in point of fact is doubtful.

5255. What doubt have you upon the subject?—The doubt I have arises from a decision of the Court of Queen's Bench in 1810, in which Lord Ellenborough says: "I see no reason why the waste may not legally be granted out in the manner stated in the replication, although part of the manor be within the Royal Forest of Waltham. The Crown may still exercise the same rights of forest over it as before. Whether the deer be excluded, must depend upon the nature of the inclosures. If the fences erected be higher than are permitted by the laws of the forest, the forest officers may still interfere and break them down. According to the custom, the grant is only to the exclusion and abolition of rights of common, not of the rights of forest. I know instances in Windsor Forest, in which the Crown has made grants in severalty reserving the rights of forest."

5256. Does not Lord Ellenborough state there, that if the inclosures were above four feet, the officers of the forest may break them down?—Yes, he seems to imply that.

5257. Does that raise an objection in your mind as to their power to do so?—It would be a very serious thing to have an action for trespass brought against the Commissioners of Woods, upon which proceeding the Attorney General had not been consulted; he might leave them to their own defence, and say they were personally responsible.

5258. That is another point; but you stated just now to the Committee, that there was no course for you to pursue except by information on the part of the Attorney General?—I know of no other safe course to pursue.

5259. That is another word; but you stated just now that there was no other course?—When I speak of a course, I mean a proper and safe course.

5260. What you are afraid of, then, is the incurring of the expense of litigation?—I certainly should not recommend them, or anyone else, to adopt the course of taking the law into their own hands.

5261. How else could they raise the question?—If the Attorney General thinks fit, he can raise it by information.

5262. But would not the more simple course be that which I have suggested?—It might be the more simple, but I question whether it would be the more safe.

5263. Do you mean that you have any doubt on your mind as to your getting a verdict?—It is beyond my power to form any opinion upon that; I should be loath to say one way or the other. I should not advise either the Crown or any other person to take the law into their own hands, and to do an act of violence.

5264. Not to raise a question for the courts of law?—Not by an act of violence.

5265. Have you suggested it to them to raise it in any way?—It is not for me to suggest it to them.

5266. Are you not their solicitor?—I am; but the Attorney General is the legal adviser, and this is a Crown right.

5267. We have been told that you were the person to be examined upon these points; are you not aware that these rights possessed by the Crown, are rights which are of considerable value?—They are valueless to the Crown, in their present state.

5268. Have you not sold those rights for money?—Certainly.

5269. Then they are of value?—For sale.

5270. Have you taken any steps to assert those rights of the Crown over those portions of the forest where persons have inclosed, without purchasing them?—The Attorney General has been consulted as to what steps should be taken, and I have read his opinion.

5271. Have you taken any steps?—I cannot take any.

5272. But have any steps been taken?—I repeat that it is for the Attorney General to take the steps; it must be done under his advice, and not by me.

5273. Are you aware that by non-user these rights will lapse?—I am not aware.

5274. Are you not aware that these rates will be lost by non-user?—No, I do not admit that they will.

5275. Do you think that they will not?—Upon that I express no opinion.

5276. However, you are aware that possibly they may?—Possibly they may, and possibly they may not.

5277. And yet your department, knowing that they possibly may, has taken no steps to assert them?—I have distinctly stated that the steps must be taken by the law officers of the Crown, or under their advice; I can put it no further.

5278. *Chairman.*] Under what statute is that?—The 9th Geo. 3, c. 16.

5279. What is the particular exception?—The word "franchise" is the exception; of course questions may arise upon it.

5280. Mr. *Peacocke.*] These Crown rights extend to vert in the forest, do they not?—The forest right is vert and venison.

5281. What is vert in your opinion?—I will give you the general vert, and the particular vert. Vert, generally, is every plant that grows within the forest and bears a green leaf, which may hide or cover a deer under it; that is vert in its most general and comprehensive sense. Over vert is all manner of hault boys or great wood, as well such as beareth fruit as such as beareth none. Nether vert is properly all manner of underwood, and also bushes, thorns, gorse, and such like. Fern and heath also, I think, properly comes under the name of vert, or covert.

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5282. Do you consider the Crown is entitled to that?—That is a forestal right.

5283. And in those portions which have been inclosed without the sale of the Crown rights, the persons who have so inclosed are depriving the Crown of that property, are they not?—No; I gathered from the keeper that he shot deer in the inclosures.

5284. Do they not deprive the Crown of that property?—No, they do not, if the effect be that the deer get in.

5285. You say that vert includes brushwood and furze, do you not?—Yes, in the King's own manors; but there is a great distinction, if you ask the question generally.

5286. What do you consider vert comprises in Epping Forest?—I will tell you: "Woods not the King's. The laws of the forest doth most specially respect great covert, and the special vert which doth bear fruit to feed the deer; and as for cutting down of any other, although done without license, yet that if they do stand scattering here and there, so that they be not many in number, nor the cutting of them, no spoil or hurt to any great covert, although the same be a trespass, yet *De minimis non curat Lex*." That you see is a great qualification as regards the vert of lands not the King's own, because on the King's own lands it is a very penal offence.

5287. Then, in whom do you consider the property of the timber to be vested?—I cannot answer you that question, because it is a distinct grant from the king, or from different kings to different lords of the manor.

5288. In the absence of a special grant, in whom do you consider it is?—I have not the slightest doubt, from this report, that the lord has the timber.

5289. There is no doubt, I suppose, that the deer have a right to beech-mast, have they not?—Possibly; but mast is, I think, rather in the nature of agistment.

5290. And would not the lord in cutting down a beech tree be depriving the deer of that?—No, the King is entitled to have that preserved; it is extremely difficult to make it intelligible, there are so many qualifications, and the matter is so old.

5291. Do you consider, then, that you could restrain them from cutting down the timber?—Each case depends upon the particular grant.

5292. As the subject is a very difficult one, and there appears to be some doubt about it, have you taken any legal opinion upon it?—I have taken two or three; but what particular point are you referring to?

5293. To the extent of the forestal rights?—It seems pretty clear.

5294. But you have taken no opinion about it?—There is no difficulty about it; if I could see a difficulty I would suggest it, but I do not.

5295. On the subject of beech-mast, for instance, has any difficulty occurred to you with respect to that?—Not on the land of the subject.

5296. Have you taken any opinion as to restraining the lord from cutting down timber?—No; the Commissioners, in 1793, stated that the lords had the timber.

5297. For instance, the lord had no power to destroy a covert?—Not absolutely.

5298. He cannot destroy it altogether?—No.

5299. Have you taken any legal opinion as to the degree or the extent to which he may go?—No, because it is quite unnecessary; the substance and essence of the thing is the encroachment.

5300. What I understand to be the position of the Crown is this: they state that we have no power to go further than to see that the inclosures are not above four feet high?—I do not quite admit that there is dictum to say that you may put up a fence four feet high.

5301. I am only taking the evidence of your Commissioner last time; that was his statement?—Of course; there is dictum to say that you may do so.

5302. Have you taken any legal opinion upon this subject?—Yes, as to the encroachment of Mr. Hodson.

5303. But as to whether or not they can put up a fence of four feet high?—That is the great point in Mr. Hodgson's case; he has put up a fence four feet high.

5304. Will you do me the favour of reading that portion of the Attorney General's opinion which touches upon a fence four feet high?—No; because he puts that aside altogether, and disposes of it on another ground.

5305. On the ground of policy?—He says it is a matter of policy for the Government to determine whether this right shall be maintained, or whether it is to be sold, or what is to be done.

5306. Then he puts it aside on the ground of policy?—I will not answer any question which induces me to put a construction upon the Attorney General's opinion, which will speak for itself.

5307. I am not asking you that; but what I wish to know is, why you, being the legal gentleman for that department, have not taken a legal opinion upon this express point?—I never had any instructions to do so, and I cannot see that any opinion is necessary; if I had been instructed to take an opinion, I should have done so.

5308. You have never been asked your opinion upon the point by the Commissioners, or instructed them upon the subject?—On what subject?

5309. Have you personally, without taking the opinion of the law officers of the Crown, advised the Commissioners of your department as to the legality of these inclosures?—No, I have left that to the law officers of the Crown.

5310. And you have never expressed any opinion to them, one way or the other?—It is not for me to express my opinion one way or the other; it would be the duty of the law officers and not mine, upon any matter affecting the rights of the Crown.

5311. Mr. *Torrens*.] You say you have taken the report of 1793 as your text in reference to the forest?—Yes.

5312. Have you not referred to the later report of 1850?—Yes.

5313. Do you not consider that equally worthy of consideration?—It is a very valuable report, but the same time and care have not been devoted to it.

5314. In the report of 1850, some suggestions are made for the improvement of the Forest Courts?—Yes.

5315. Have any steps been taken for carrying out those suggestions?—No; you must establish some tribunal with more summary process.

5316. A new tribunal?—Yes, I think so.

5317. You think that that would be advisable?—If you are to keep the forest open.

5318. In

5318. In the report of 1863 there is a copy of the Treasury warrant signed by two Lords of the Treasury under which this sale of the Crown rights was made?—Yes.

5319. The 98th section of the 10 Geo. 4, c. 50, and the 5th section of 16 & 17 Vict. are quoted?—That is in cases in which the right is disputed and compromised. Where the party gives the full and fair value we deal under the 98th section; but if he asserts a right, and says he will give less than is asked, and the Commissioners recommend that less be taken, the parties may compromise under the second Act.

5320. That warrant does not refer to a compromise, but to a direct authority to sell?—Just so.

5321. The sale took place under the section I have quoted?—Under the 98th section.

5322. And under section 5?—No, that would be a case of compromise.

5323. Were all the conditions of the sections I have referred to fulfilled; did the Crown give the permission under sign manual?—It was not necessary in that case; the sale was under the 98th section of that Act for the full and fair value; the other Act was to enable the Commissioners to compromise a case; when they took less than the full value, it was necessary that they should have a special warrant under the sign manual. In this case they paid all that Mr. Driver declared to be the full value of the Crown's rights.

5324. Are there in the Office of the Woods and Forests any copies of the grants under which the lords of manors hold their manors at Epping?—I have a few; I have had one before me in this case of Mr. Hodson's; I know the grant perfectly well; you will find them all in the Record Office.

5325. Is there any objection to putting in that deed?—It is matter of record; I would rather not put it in; you will find it in the depository of the Master of the Rolls.

5326. In any of the grants do they particularise any other rights than those of the Crown, and of the lords of manors?—No, they do not; the terms are very wide and general.

5327. You say that the Verderers' Court is of no use?—It cannot be as regards Epping Forest, because their hands are tied by the 10 Geo. 4, c. 50. If a man is presented as having made an encroachment he need only say "It is true, but it is not the land of the king," and then the verderers are estopped. You must then go to the Attorney General to proceed, if he thinks fit, by information or otherwise. As regards Epping, I do not think that the verderers can work under these powers.

5328. Has not the Crown power, under 9 Geo. 4, sec. 14, to take steps for the election of verderers?—I do not recollect the section; but I know that the verderer is supposed to be the officer of the freeholder, and therefore the Crown has never interfered with his appointment. It would not do for the Crown to interfere in the appointment of an officer who is placed there to control the Crown as much as the commoners.

5328.* Do you consider that the Crown has a right to the trees?—Yes; to the vert for the deer.

5329. In the fourth edition of Manwood, I find it stated, "that vert in general is wood, tree, underwood, bush, and such like, growing in the forest, and bearing green leaves, which may cover or feed deer;" do you admit that to be correct?—Yes.

5330. So long as there is deer in the forest there must be vert?—Yes.

5331. Has your attention been called to a correspondence between Mr. Howard and Mr. Jamieson, regarding the death of young Jamieson?—My attention was called to it two days ago. I am not sure that I did not report upon it some six months ago.

5332. If the proper complement of officers had been appointed in the forest, do you think that a person accused of such a crime could have been acquitted under the circumstances?—I think that there is some great misapprehension with regard to that matter. Mr. Justice Willes never could have said that the forest officers had anything to do with an offence of manslaughter or murder. I turned last night to the file of the "Times" newspaper, to see how the case was there reported; the legal reports of the "Times" are proverbially accurate. This is the report of the "Times" of 27th October 1864: "John Mordaunt surrendered to his bail on a charge of shooting a boy named Henry Brinsley Jamieson in Epping Forest. Mr. Kemp prosecuted, and Mr. Sleigh defended. After the case had been partially heard, Mr. Justice Willes said the evidence was insufficient to sustain a charge of manslaughter, although there had been evidently gross negligence, and the prisoner was acquitted." I have no doubt that that report is correct.

5333. *Chairman.*] What were the facts of the case?—I do not know; Mr. Howard told me that it had been said that a boy had been acquitted on a charge of murder or manslaughter, because there were no forest officers. There must be some extraordinary misapprehension.

5334. In the sale of the forestal rights to different individuals, has there been any investigation of the documents under which the lords of the manor held?—No; if a man asserts that he is lord of the manor, and, as such, purchases the forestal rights, he pays his money at his peril.

5335. Mr. *Shaw Lefevre.*] As I understand, the forestal rights still exist over about 3,000 acres?—I dare say that is correct.

5336. Are those 3,000 acres open to the public with the exception of some small inclosures that we have heard of to-day?—I see very little of the forest; Watkins, the keeper, would be better able to give you that information.

5337. Do you know what is the condition of that portion of the forest over which the Crown has sold its forestal rights?—I do not.

5338. You do not know whether it still remains open to the public?—No, I do not.

5339. Is that portion, over which the Crown's forestal rights extend, subject to the rights of the lords of the manor?—Yes.

5340. Was the Verderers' Court necessary for the purpose of determining questions arising between lords of manors and commoners?—I have only been present at two verderers' courts, and I do not know to what purpose they were applicable; we nearly had a riot.

5341. Has Mr. Hodson done anything beyond inclosing; has he cut down timber?—I am not aware.

5342. Has he cultivated the land?—I understand he has, but I have not been upon the spot.

5343. You have taken no means to ascertain?—No doubt the keeper would be able to tell you.

5344. What would be your remedy, supposing that

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that any one of these encroachers proceeded to cut down the whole of the timber upon his particular encroachment?—That would depend upon the grant; in some cases the low wood is better vert than the ripe timber-trees.

5345. What would be the remedy of the Crown, supposing that the land encroached upon is converted into building land?—According to the present state of the law, it would be by information in the Court of Exchequer.

5346. Have you considered what would be the expense to your office of vindicating the rights of the Crown?—We incurred that expense in one case.

5347. What were the expenses in that case?—They were very heavy.

5348. I think you compromised that case?—No, we had a verdict.

5349. Would not that case, as a precedent, make it easy to vindicate the rights of the Crown?—It did so; for other lords of manors came in and purchased rights.

5350. Is there any reason to believe that the expense of vindicating those rights would be very great?—In Mr Hodson's case, there is no doubt that it would be.

5351. Would not the fact of your having succeeded in a former case lessen the expense?—As a point of law, not in the least; the encroachment is in another manor.

5352. Is the expense rendered necessary by the fact that the question must be raised by information?—Yes, and by the production of documentary evidence.

5353. Would it not lessen the expense, supposing that you broke down the fences, and raised the question in an action of trespass?—I think not; the Crown must justify its act by record and information, and ought never to be in the position of defendant.

5354. Would not the principal expense be occasioned by the evidence necessary for establishing these rights?—Yes, we must get at the proceedings of the justice seat; we must see what claims were made by the lord of this manor at the justice seat of Charles I., and ascertain what claims were allowed or disallowed; we must ascertain also what occurred in that respect in the time of Charles II.

5355. We understand that the Crown's rights still exist over about 3,000 acres, and that the value of those rights is about 5 *l.* an acre?—I suppose so.

5356. So that the rights over those 3,000 acres would be worth about 15,000 *l.*?—At that rate they would.

5357. Would it not be worth the while of your office to spend a considerable sum of money in securing those rights?—If we could sell them. It was in that way that we justified our expenditure in Hallett's case. We satisfied others that we had the right, and they came in and purchased.

5358. But you are about to abandon those rights?—It is a matter of policy; if the Treasury and the House of Commons think it expedient to spend the money, we will do it. Lord Duncan's Committee looked very closely into the expenditure in the former case, and commented upon the management, because the expenditure was enormous, and the result only 100 *l.*

5359. *Chairman.*] Referring to 9 Geo. 3, c. 16, I find that these are the words: "Be it enacted, the king's majesty, his heirs, or successors, shall not, at any time hereafter, sue, impeach, question, or implead any person or persons, bodies politic or corporate, for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises), or for or in anywise concerning the revenues, issues, or profits thereof, or make any title, claim, challenge, or demand, of, in, or to the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not hereafter first accrue and grow, within the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, or other suit or proceeding, as shall at any times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; unless his majesty, or some of his progenitors, predecessors or ancestors, heirs or successors, or some other person or persons, bodies politic or corporate, under whom his majesty, his heirs, or successors, any thing hath or lawfully claimeth, or shall have or lawfully claim, have or shall have been answered by force and virtue of any such right or title the same, the rents, revenues, issues or profits thereof, or the rents, issues or profits of any honor, manor, or other hereditament, whereof the premises in question shall be part or parcel within the said space of sixty years; or that the same have or shall have been duly in charge of his majesty," &c. &c., "or shall have stood *insuper* of record within the said space of sixty years; and that all and every person or persons," &c. "shall, at all times hereafter, quietly and freely have, hold, and enjoy, against His Majesty, his heirs and successors, claiming by any title which hath not first accrued or grown, or which shall not hereafter first accrue or grow, within the said space of sixty years, all and singular manors, lands, tenements, rents, tithes, and hereditaments whatsoever (except liberties and franchises)"?—Yes, that is so.

5360. Have you taken an opinion as to whether those words do or do not extend the forestal rights over Epping Forest?—I mentioned the matter, though not officially, to the late Sir William Atherton, and he seemed to concur in the view I took, that the forest is a franchise, and that the rights exist: I think it arose out of some discussion in the House of Commons.

5361. Those rights have, to a certain extent, been exercised down to the present time?—They have.

5362. So that this Act could not apply under any circumstances?—No; we are exercising the rights down to this day, as it appears.

5363. Mr. *Doulton.*] When you saw Sir William Atherton upon the matter, did you mention the report of 1850?—That was one of the papers that were laid before him.

5364. Did you call attention to the fact that the forest has been used extensively for purposes of recreation?—Yes; Mr. Willes, who was always most painstaking, had the whole of the papers.

5365. You consider that it would be an act of violence to pull down the fences?—Certainly.

5366. Has it not been customary to try the question of inclosures by throwing down the fences?—By an order of the verderers.

5367. They exercised that right with effect, I believe?—I do not know; I would rather not say much about the effect.

5368. I put that question to Mr. Howard, and he

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he said that you could answer it?—I attended two courts at which there were four verderers present; they were equally divided, and we had a riot.

5369. We hear that that power was exercised?—No doubt, if acquiesced in.

5370. But the Crown has not exercised it?—It could not. When a man was presented before the Verderers' Court, and the offence was admitted or proved, or if he did not plead under the statute, they had cognizance and made an order that the fences be broken down. That was an order by a court of competent jurisdiction.

5071. Can you inform us whether Lord Maynard has purchased the rights of the Crown?—I do not think that he has.

5372. Who can give us that information?—I should say Mr. Howard.

5373. I asked him the same question, and he said that you could tell me?—I do not deal with the Crown's rights; I only see a contract when it is settled.

5374. Has the Honourable Mr. Ashley purchased the Crown's rights?—He has not.

5375. Has he inclosed?—That I do not know; the keeper would tell you.

5376. He says he is not certain?—I have not been on the manor for some time.

5377. Has Sir Charles Wake purchased?—I think not.

5378. Has he inclosed?—As I am not the local officer I do not know; that information should be obtained from the local officer. I know that the Hon. Mr. Ashley has not purchased, because he told me so. I think Lord Maynard said he would not inclose, but that he would not buy.

5379. Mr. *Cox.*] Evidence has been given before us that the forestal rights of the Crown over 600 acres were assessed at 3,000*l.*, and a purchaser was found for that sum; we have also been told that inclosures are taking place of land over which the Crown's rights still exist, and that the persons making those inclosures are paying nothing to the Crown for those rights?—We must not sell.

5380. I know you must not tell; but what I want to ask you, as solicitor to that department, is this, What steps do you think should be taken to prevent inclosures of land over which the Crown's rights run, and which you have no power to sell?—I concur in the opinion of the Attorney General, the Solicitor General, Mr. James, and Mr. M'Mahon; I cannot say that I differ from them.

5381. You are acting on their opinion?—I am; I should like to clear up one little misapprehension that I am told may exist. It is supposed that I expressed the opinion that the Crown's forestal rights extend over the whole 60,000 acres; I did not mean to say so.

5382. Mr. *Doulton.*] Do you know what course was taken with reference to the sale of the rights of the Crown to Mr. Harman?—I do not; that was in 1821, and I cannot go back so far as that.

JOSEPH GILBERT BLAIR MARSHALL, Esq., called in; and Examined.

J. G. B. Marshall, Esq.

5383. *Chairman.*] ARE you District Surveyor of the West Ham Local Board of Health?—I am.

5384. Are you a graduate of the University of Dublin?—Yes, I am Master of Arts and of Engineering. The latter is a degree recently instituted, which is now conferred on engineers educated in Dublin University, as I have been.

5385. Where do you reside?—At Stratford, in the county of Essex.

5386. How near is that to Epping Forest?—The hamlet of Stratford borders Wanstead Flats.

5387. Are you in the habit of going frequently to Epping Forest?—Very frequently; in fact, the district of West Ham forms a portion of the ancient forest.

5388. The Wanstead Flats form a portion of the ancient forest of Epping?—Yes.

5389. How many acres does that contain?—About 600 acres uninclosed.

5390. About how many acres does the Woodford Common contain?—About 400 acres.

5391. Are there open spaces at Leyton?—Yes.

5392. To what extent?—About 300 acres.

5393. And at Walthamstow?—500 acres.

5394. Are these being inclosed in any way?—At Walthamstow they are.

5395. By whom?—I have no idea.

5396. Are they inclosed to any extent?—To a considerable extent.

5397. In what way has the inclosure taken place?—It is being converted into building land; in point of fact, it gradually gets sold in building plots, and houses are being placed upon it.

5398. Is that in any manor?—I am not aware of the relations of the lords of the manors.

5399. You have mentioned these different tracts of land, 600 acres, 300 acres, 400 acres, and 500 acres; what do you estimate the remaining portions of Epping Forest to be?—The remaining open portions even now would probably exceed 4,000 acres.

5400. What parts of the forest are most frequented by holiday people?—Those I have mentioned, the Wanstead Flats, Woodford Common, and the Leyton and Walthamstow open spaces.

5401. Altogether amounting to about 1,800 acres?—1,800 acres. These are very important as regards recreation-grounds to the inhabitants of London.

5402. Does the metropolis actually reach the borders of these open places?—It does now.

5403. Continuously?—Continuously; down through Bow, Stratford, and Stratford New Town; it is now a thickly-populated district, right down to Wanstead Flats.

5404. What is the distance from the Post Office to the first open place?—Between five and six miles.

5405. You say that they are building houses upon portions of these open places?—Yes; yesterday I observed a large mansion being erected upon land which was recently open space, and on which the public could have amused themselves in any way that was decorous and proper.

5406. What railway is it that comes down there?—The Great Eastern and its branches.

5407. Is it within your knowledge that a large number of persons come there?—An enormous number of persons pass over that railway and the Commercial-road, and also the Stratford and Lea Bridge-road. Immense numbers of hard-working people drive through from Whitechapel, who keep horses and small traps. They flock

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out there on Sundays and Mondays, and holidays throughout the year.

5408. What do they do there?—They amuse themselves at most grotesque games, such as "kiss-in-the-ring," "knock-em-downs," cricket, and all sorts of games; they frolic and frisk about.

5409. Are they working people?—Working people from the thickly populated parishes.

5410. Of all ages, and both sexes?—Of all ages, and both sexes, from St. George's, Poplar, Limehouse, Whitechapel, Bethnal Green, Mile End, Stepney, Hackney, and Shoreditch.

5411. What is the average number of persons there on Sundays and Mondays?—On Sunday and Monday I should say the average number, supposing the weather to be reasonably fine, would be 50,000.

5412. How have you made that estimate?—From observations of the number of people who pass; and, in point of fact, we have a good criterion as to the number of those who drive past, by the tolls; these roads are all subject to tolls, and, of course, on the railway it is easy enough to ascertain the numbers.

5413. Do you assume that all who pay tolls go to these open places?—On Sunday it would generally be so, with the exception of funerals. On Monday it would be approximately true also, because it is easy enough, of course, to deduct the ordinary traffic.

5414. You have made this calculation, and you say that upon those days there would be some 50,000 people?—Yes.

5415. On Easter Monday how many persons do you suppose come down there?—I should say not less than 200,000 by the railway, and all these various channels.

5416. Have you been there frequently when all these crowds of people have been collected?—Very frequently.

5417. How do they generally behave themselves?—With the most perfect order and decency. I never saw anything offensive, and never heard a word indecorous, and I never heard of any one else who did; sometimes they will be a little noisy on the road, and they will sing songs as they drive home in the evening.

5418. Has this system of Sunday and holiday excursions become a habit with the inhabitants of the east end of London?—Undoubtedly.

5419. Do you consider that they have acquired a right of user?—I do; from time immemorial they have been in the habit of going there without let or hindrance; no one ever thinks of interfering with them; they go and come where they please.

5420. Do you speak of people in the immediate neighbourhood only?—I speak of all comers, come whence they may.

5421. You have alluded to some pamphlet; what is that?—It is a printed document, which gives a sort of resumé of the history of Epping Forest, and points out the rights of the lords of the manor, commoners, and freeholders, of which I know very little.

5422. Who is the author of that pamphlet?—It is written by a solicitor of the name of Mott, who has taken great interest in Epping Forest.

5423. I understand your remarks to apply generally to the people of London?—The whole of London; those places are of great consequence not only to the immediate neighbours, who also use them, doubtless, but to the thickly populated places in London.

5424. If these places were made into a park, do you think that that would answer the same purpose as now?—Not if they were made into a prim park, such as Regent's Park or Victoria Park; no park of that kind would satisfy the requirements of the public as those open places do.

5425. Upon what do you found that opinion?—In these open places the people are less hampered; they run about there, and distribute themselves, and are not so closely packed together; they can join in their various amusements without interfering with each other; besides, there is no necessity for that strict control over them which is exercised by the police in the parks.

5426. Have these places been used by the volunteers?—With great advantage.

5427. In what way?—For reviews. I speak chiefly of Wanstead Flats.

5428. Are you an officer of the volunteers?—In the 3d Essex Artillery.

5429. And your corps use the Wanstead Flats?—Yes.

5430. For training grounds?—Yes.

5431. Do you practise evolutions there?—Yes.

5432. Is it true that General Eyre reviewed a large muster of local and East London Corps on the Wanstead Flats?—He did, and on that occasion he pointed out the advantages they enjoyed in having those places in which they could practise, and so prepare themselves for the evolutions which they had to perform.

5433. How near are the head-quarters of the corps?—About a mile from these Flats.

5434. Whereabouts are they?—At a place which is known as the "Three Pigeons" public-house in the Romford-road.

5435. Does Lieutenant-Colonel Capper command the 5th Essex Rifle Volunteers?—He does.

5436. How far are his head-quarters from the same place?—About two miles and a half, probably.

5437. Where are Colonel Palmer's head-quarters?—His are more remote.

5438. What is the name of his corps?—He is connected with the yeomanry.

5439. Do the yeomanry ever use this land?—Yes, I understand so, but I do not know it of my own knowledge. I have, however, been informed personally by Lieutenant-Colonel Capper, that it is of the greatest consequence to him and his corps.

5440. Is it not obvious that if the volunteers are to be kept up, there must be places of this kind for them to drill and manœuvre in?—It is obvious that they cannot dispense with such places.

5441. Do you consider that it would be a serious blow to the volunteer movement in all the surrounding districts if these places were inclosed?—I do.

5442. What is the condition of the forest and common lands in Essex?—They are in a very unsatisfactory state in every sense.

5443. In what respect?—As far as I have heard, the claims and the interests of individuals are very undefined, the titles of the lords are indistinct and encumbered, and the public who go there go from habit, and can show no better reason why they should be allowed to go than that their fathers went before them.

5444. Is the drainage good?—No, it is very bad indeed.

5445. Is

5445. Is the fencing neglected?—Yes, it is; the ancient gates of the forest are left unattended, so that the cattle stray into the forest or out of it.

5446. There is no system of impounding the cattle, or of watching or maintaining the land?—No supervision seems to exist: the gate close to our district is there, but it is never closed, and is perfectly useless; you can drive a carriage straight from St. Paul's Churchyard into the forest.

5447. You say the land has been bought for 50 *l.* an acre, which has fetched ten times that amount soon after a person had held undisturbed possession of it?—Yes.

5448. What land are you speaking of?—At Leytonstone, chiefly.

5449. Since what time has that occurred?—Within the last few years; and indeed within the last 12 months I understand that some land has been sold at 400 *l.* or 500 *l.* an acre, which a short time ago was bought for 50 *l.* an acre.

5450. When was that inclosed?—A few years ago.

5451. Was it part of Epping Forest at that time?—Yes.

5452. Is gravel dug there?—Yes; and consequently holes are left; and turbary has been exercised too; the surface is carried away.

5453. What do you suggest ought to be done?—A Commission should be appointed by Parliament, empowered to examine, determine, and discharge all claims from private individuals, all rights of parishes, and interests of lords, and thus the entire area would become free to be dedicated to the use of the public for all the foregoing purposes of recreation, military exercise, and so on.

5454. How do you propose to obtain the funds for that purpose?—By the sale of outlying and useless tracts of land which would be unimportant to the public for this purpose. I believe that if a Parliamentary title were then given, the land so sold would fetch its full and fair value, and that every advantage would result to the public from the proceeds realised.

5455. You propose to appropriate certain land for building purposes, and that the other should be left open?—Yes, and still subject to the care of the Commission, to be kept in some such order and condition as the Bois de Boulogne in Paris, or Phœnix Park in Dublin; I do not say absolutely uninclosed as to borders, but practically uninclosed, free to the use of the people, who should be allowed to enter without toll or anything of the kind. I do not suggest that it should be left open to be scrambled over and encroached upon by a single encroacher subsequently.

5456. Mr. *Doulton.*] I understand you to say that 4,000 acres are still uninclosed?—Yes. I speak of that close by and in Epping Forest. I do not go beyond the town of Epping.

5457. You say that there are outlying portions which might be sold without altering the character of the forest?—Undoubtedly there are, isolated little strips.

5458. And do you think that these would fetch a considerable sum?—I have no doubt about it.

5459. Does your West Ham Board exercise any jurisdiction over that part of the forest?—They do not. A portion of the common was within our parish, and our parishioners have some rights, but they are undefined. That portion which was in our parish is inclosed.

5460. If plots of land are inclosed, and houses are built, you have jurisdiction to rate the houses?—Yes, but they have not built on the land inclosed.

5461. No actual buildings have been erected?—No, with the title that exists, I do not think that any one would like to build.

5462. How far is Victoria Park from the Flats?—About a mile and a half.

5463. Is the space allowed for recreation in Victoria Park limited?—Yes, I have seen it so full that the people could not amuse themselves. It is true that they were in the open air, but there was no room for recreation.

5464. There would not be space sufficient to accommodate the concourse of persons who assemble in Epping Forest?—No; those persons who take their horses and donkeys there could not enjoy the same luxury in Victoria Park.

5465. The space there is limited, is it not?—Very limited.

5466. Are there any other large commons or open spaces in your neighbourhood which could be used for the purposes of recreation, or for the volunteer movement?—No.

5467. Mr. *Cox.*] Did I rightly understand you to say that the Flats are about 2½ miles from Stratford?—No; Stratford extends to the very borders of the Flats.

5468. About how far are they from Stratford Church?—A mile.

5469. How far is it from Stratford Church to Victoria Park?—About a mile and a quarter.

5470. Did you ever hear of Fairlop Fair, which is held on the first Friday in July?—Yes.

5471. How many people have you seen there?—Countless thousands.

5472. How many times have you been to the fair?—Only once.

5473. How many times have you seen persons going to the fair?—For the last five or six years I have been amused at the grotesque way in which they go and return.

5474. Can you inform the Committee whether Fairlop Fair was held on that spot coloured orange on the map, and which is now inclosed?—Somewhere there. It is being inclosed at the present time, I do not know under what auspices or why; but I look upon it as practically lost, and therefore I do not refer to it as a place to be reserved for public purposes.

Lunæ, 22° die Maii, 1865.

MEMBERS PRESENT.

Mr. Cowper.	Mr. Locke.
Mr. Cox.	Mr. Lyall.
Mr. Doulton.	Mr. Shaw Lefevre.
Mr. Hanbury.	Mr. Peacocke.
Mr. Locke King.	Mr. Alderman Rose.
Mr. Kinnaird.	Mr. John Tollemache.

JOHN LOCKE, Esq., IN THE CHAIR.

Mr. GEORGE SHILLIBEER, called in; and Examined,

Mr. *G. Shillibeer.*

22 May 1865.

5475. *Chairman.*] WHAT business do you carry on?—I reside at Chigwell-row, and I carry on business as a coachmaker and funeral furnisher in the City-road.

5476. Mr. *Cox.*] I believe you are well acquainted with all the circumstances attending the disafforestation of Hainault Forest, and its subsequent inclosures?—Yes.

5477. Do you know what profit the Crown derived from that forest before the disafforestation took place?—No.

5478. I mean in money value?—No, I do not.

5479. Are you in a position to tell the Committee anything about the money value of it?—Not before the disafforestation. I went there in 1852, just as the disafforestation took place.

5480. I believe Chigwell was one of the parishes within the forest of Hainault?—Yes.

5481. Was it a custom, some years ago, to hold a fair the first Friday in July, called Fairlop Fair?—Yes.

5482. Were the public in the habit of resorting to that fair in large numbers?—Yes, very large.

5483. Tens of thousands?—Yes.

5484. Were they also in the habit of going down there at times when the fair was not held?—Yes.

5485. Was it not one of the most beautiful spots in the whole of Epping or Hainault Forests?—Yes, it was a very beautiful spot.

5486. How many years have you known that people in large numbers have been in the habit of visiting the place?—Forty years.

5487. What is the state of that part of Hainault Forest now?—It is all inclosed.

5488. The whole of it?—The whole of it.

5489. Will you tell the Committee how much of that inclosure that you speak of, with the King's Woods adjoining, is now in the possession of the Crown?—The part allotted to the Crown by the Commissioners was 1,917 acres.

5490. Out of Hainault Forest and the King's Woods?—Yes; and there was 969 acres left uninclosed for the commoners.

5491. The whole of 1,917 acres has been inclosed?—Yes.

5492. Has the whole of the 969 acres also been inclosed?—No, the 969 left for the commoners has been allotted under the "Allotment of Commons Act," and we on the north side of the King's Wood have not got a bit of it.

5493. Practically, as regards any right the public may have had, not only is the 1,917 acres gone, but also the 969 acres?—Well, there was 50 acres allotted to the public; that is not included in the King's Woods.

5494. With the exception of that 50 acres, the whole of it is gone?—The whole of it is gone.

5495. Was that land which was taken by the Crown, containing 1,917 acres, wooded land?—Wooded land.

5496. Was there good timber on it?—Good timber.

5497. What was done with the timber?—On the 1,917 acres the Crown took the timber to pay the expenses of inclosure, amounting, I think, to 80,000 *l.* The Crown cleared it, and they likewise cleared the timber on the 969 acres that was left for the commoners; they not only cleared their own timber, but they cleared ours, the Act of Parliament allowing them to do so; they passed an Act so that they should have the timber which was left for the commoners, which was to go towards paying the expenses of the drainage, and so forth.

5498. Do you know what sum of money was received by the Crown for the sale of the timber on the 1,917 acres belonging to them, and the other 969 acres?—No, I do not, exactly; I think it was stated in the Return of the Woods and Forests to be 80,000 *l.*

5499. For the timber?—For the expense of clearing, and so forth, which was paid for by the timber.

5500. *Chairman.*] What do you mean by the expense of clearing?—Clearing the land, which was covered with brushwood and timber; it is now cleared, drained, and made fertile land.

5501. Mr. *Cox.*] This 1,917 acres is all farm land?—All farm land.

5502. Has any land adjoining this inclosed land been sold within the last year or two?—Yes.

5503. Do you know what it has fetched?—Some has fetched 140 *l.* an acre; and, in addition to the 140 *l.* an acre, 60 *l.* an acre was charged for the timber upon it.

5504. Who was that sold by?—By the valuer, with the approbation of the Inclosure Commissioners.

5505. Part

5505. Part of the land adjoining the 1,917 acres taken by the Crown, was sold by the Inclosure Commissioners to pay the expenses of the inclosure?—Yes.

5506. You say they sold some for 140 *l.* an acre?—Yes, and some for 70 *l.* and 80 *l.*; I take the average at 100 *l.*

5507. Did you not say that they charged 60 *l.* an acre more?—Yes, that was one of the conditions of sale; the timber on it was valued, and they charged, as I understand, about 60 *l.* an acre more for it.

5508. Then do I understand you to say that, as far as you know, the property which has been acquired by the Crown, in consequence of this inclosure, is 1,917 acres, and that in your judgment, it is worth 100 *l.* an acre?—Yes, but they have got a great deal more since that.

5509. Having regard to the sales which have already taken place of the adjoining land, in your judgment the Crown have obtained property amounting to 1,917 acres, worth 100 *l.* an acre?—No doubt.

5510. So that the property acquired by the Crown, is now of the value, in your judgment, of 191,700 *l.*?—No doubt of it.

5511. Now did the Commissioners of Woods and Forests, during the time of the Crown inclosures, and the other inclosures in Hainault, set aside one acre of any land whatever for the public use?—No, not an acre.

5512. You are acquainted with the circumstance of a Bill being brought in in 1862, for the inclosure of the common alloted to the parish of Chigwell?—Yes.

1513. That was to inclose about 600 acres of land, was it?—Yes.

5514. And you are aware that by that Act the Committee of the House of Commons gave 50 acres out of the 600 for the use of the public?—I understand that is the fact.

5515. I want you to be good enough to tell the Committee in what position that 50 acres so allotted now stands?—Well, within the last few months they have begun to drain it.

5516. Drain what?—Drain 10 acres; and they have dug it up now, and fenced it in.

5517. Have they set out the 50 acres?—They have set out the 50 acres, and fenced it in with a wire fence.

5518. They have set out the whole of the 50 acres, have they?—Yes.

5519. Whereabouts is that 50 acres set out?—It is set out on the side of the Romford-road, not where the Act states. The Act states that it shall be set out at or near the place marked A; and on the first commencement the letter A was shifted to the other side of the road.

5520. Did the Commissioners assent to that?—No, they dissented from it. I wrote to them about it, and they issued an order.

5521. Was a piece of swampy ground first picked out for the use of the public?—Yes.

5522. Did the Inclosure Commissioners agree to that?—They have subsequently, for they have taken the very same ground.

5523. Out of the 600 acres was there 50 acres of the forest which might have been left for the use and enjoyment of the public, without the expenditure of a shilling upon it?—No doubt of it; there are several other parts.

5524. Would there have been any difficulty in finding 50 acres in a beautiful part of the forest which might have been devoted to the use of the public, without the expenditure of a shilling?—Certainly not.

5525. Has the matter of the allotment of the 50 acres yet come to a conclusion?—No, it is merely set out; the valuer was bound to set it out when he first came, but beyond that nothing has been done. We have had meetings and have opposed them.

5526. Because the valuer was setting out swampy ground?—No, not with respect to the recreation ground, but because they were allotting the ground unfairly. The Act of Parliament under which this disafforesting took place, gave us commoners 969 acres of the King's Woods to be divided amongst ourselves. Now I have property there rated at the value of 200 *l.* a year, and I have not got any of them.

5527. What I meant for the information of this Committee principally, is this, that as regards the 50 acres, which the Legislature declared was to be allotted for the public use out of the Chigwell inclosure of 600 acres, there were several pieces of beautiful forest land which might have been so allotted, without the expenditure of a shilling?—Well, there is not much expenditure here, excepting the fencing.

5528. But the 50 acres which is now proposed to be set out, is nothing but swamp and gravel pits?—It is not so bad now in fine weather, only that it is dug up, and people cannot go into it.

5529. They have taken such proceedings on it, that it is utterly useless for the purposes of recreation, as it now stands?—As it now stands, and they have been three years about it.

5530. And after three years it is utterly useless for the purposes of recreation?—The promoters did not like its being taken at all, and they have done all they could to keep it in the worst condition. I wrote to the Commissioners to include the village green, opposite the "May Pole," but they said it did not come within their Act as a village green.

5531. Do you think that the three years which they have taken to ruin these 50 acres have been time enough?—It ought to have been done long ago.

5532. Is it perfectly useless to the public as it now stands?—Perfectly. They may go down where the wood is, that is not useless; you cannot say it is perfectly useless, because people can go down into the wood.

5533. *Chairman.*] Does the wood form part of it?—Yes, the wood forms a part, but the intention of the Committee of the House of Commons, who gave us these 50 acres, was to have it from the "Bald Hind" all along to the "May Pole;" I mention this because the question was put to the valuer by the Committee, as to how far the glade would go, and he said 50 acres, but in the Bill they put it "at or near letter A."

5534. But there are 50 acres set out?—Yes.

5535. Mr. *Cox.*] All swamp and gravel pits?—It might be better than it is.

5536. About the worst spot of the whole 600 acres that they could have selected?—I think so.

5537. How much of that 50 acres which they have set out, or proposed to set out, is forest?—I should say 20 or 30 acres.

5538. Has any part of that been dug for gravel?—No; that is as it was before.

5539. Mr. *Lyall.*] There is no public fund to keep these 50 acres in order?—Not that I am aware of.

5540. Nobody is bound to look after it?—Well,

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Well, they are talking of allotting it to the lady of the manor; under the Inclosure Act they can allot it to any person who likes to take it as recreation ground, as part and parcel of their allotment; and, as I understand, the manor will take the 50 acres; otherwise it must have been allotted to the churchwardens and overseers.

5541. As trustees for the public?—Well, they say not.

5542. Mr. *Cox.*] You have attended meetings of the churchwardens about this?—Yes.

5543. What do the churchwardens say about this; that the public shall not go on it?—Certainly; the churchwardens, who have taken some of the encroachments themselves, say that the public have no right upon it at all; it is meant for the persons resident in the neighbourhood.

5544. The 50 acres?—Yes.

5545. And that the public who made the fight about it before the Committee, have no right there at all?—Yes, that has been said since the Act has passed.

5546. Mr. *Lyall.*] Is it not a place of recreation for the public?—They say the London people have no right down there; it is only for the people in our parish or neighbourhood.

5547. Do you mean to say that anybody may not go and walk over a village green?—This is not a village green; the village green is there, but they say it is not a village green. On the village green, as I have always thought it, there stood the stocks and the whipping post; they are partly there now, and I have seen people playing cricket there for years.

5548. This was a special grant allotted for the people in the neighbourhood?—It is allotted as a recreation ground, and then comes the question who has the right to it, whether the general public or the local public.

5549. Have you heard of any distinction between the general and the local public, as regards the recreation ground?—Oh, yes; they say the London people have no right there.

5550. I think Mr. Wingrove Cooke told us that the general public had no right over a common; but where land is specially dedicated to the public, any person might have a right over it?—But can it be said that this is specially dedicated to the public, when it is dedicated under the Inclosure Act?

5551. Mr. *Cox.*] Now, supposing that the 50 acres which you spoke of had been set out, would it have entailed any expenditure in keeping it as it has been kept for the last 50 years?—I cannot say it would; the only expense that it entails will be the fencing.

5552. But that would be done at the expense of the adjoining owners, who wanted the exclusive use of their land?—That is only on one side; it goes down to the sides of the road.

5553. You would not require any fence there, would you?—No.

5554. Where it adjoins the road, in your judgment, there would be no occasion for a fence?—No.

5555. Where it adjoins neighbouring owners property, is there any occasion for a fence, excepting for their convenience?—No.

5556. *Chairman.*] This Act of Parliament fixes the place where it is to be?—Yes.

5557. At or near the place marked A?—Yes.

5558. Where is that?—Opposite the "May Pole;" but they have put it on the other side.

5559. Mr. *Cox.*] Under the Act, they are bound to take the 50 acres at or near the place marked A?—Yes; and they have taken it "near."

5560. *Chairman.*] And part "at" also?—No; the letter A is opposite the "May Pole," and instead of taking it there, they have taken it near there.

5561. Who has done that?—The valuer.

5562. Have the Inclosure Commissioners prepared their report?—No.

5563. Now, here is a letter which you have written to Mr. William Bryan Wood (*reading the same*); now, having heard that, has your appeal stopped their report?—It has stopped it; I have given them notice.

5564. Are you aware what their report was?—No.

5565. Your objection was to the mode in which they had set out this ground with respect to your own allotments?—To all the allotments.

5566. But more especially to your own?—Not particularly.

5567. Part of the matter was that you did not like your allotment?—Part of it was.

5568. It was a good deal for the public, and a little for yourself?—No; I did not care about myself.

5569. You say that this recreation ground is not set out according to the Act of Parliament?—No; it says "at or near;" it is near.

5570. If it is set out according to the Act of Parliament, we have nothing to inquire about?—It is set out "near," and the Act of Parliament certainly says "near."

5571. Where the proposed inclosure abuts on the road, is there any objection to a fence?—None at all.

5572. Where, in your judgment, would it be necessary to have a fence to inclose the 50 acres?—Only at the bottom, where it abuts on the part that the Crown has taken.

5573. Therefore, that would be the only fence to make to give these 50 acres to the public?—Yes.

5574. Supposing that should be done, what annual expense would be necessary to keep this for the enjoyment of the public?—I cannot tell.

5575. Would there be any?—No; not if it is left as it is.

5576. As I understand, it might be left as it is, and no expense be incurred?—Yes.

5577. Do you know anything about Epping Forest?—No; I do not know much about that; I have always confined my attention to the land belonging to Chigwell.

5578. Will you be good enough to tell the Committee what became of 100 acres of forest land in the parish of Chigwell, which was proposed to be inclosed in addition to the 600 acres?—Under the "Allotment of Commons Act," the parish of Chigwell had 701 acres allotted to it, and included in that 701 acres was 100 which had just been inclosed by two churchwardens, an overseer, and another gentleman, and that 100 acres is included in the 700. Just at the time Mr. Wetherall made his award, this 100 acres was taken in; I applied to the Commissioners and to the Lords of the Treasury, to see that this was restored to the parish, being 100 out of the 701 acres, but the Treasury would not take it up; Sir George Grey would not take it up, and the Inclosure Commissioners would not take it up; I then applied to the Attorney General, and told him I did not understand what the Attorney General

General was for if not to protect the public; but he did not think proper to do it, and I brought two actions myself.

5579. *Chairman.*] Against whom?—Against parties who have inclosed.

5580. Mr. *Cox.*] Was that prior to the application for this Act of 1862?—Yes; just as he made his award.

5581. Will you just answer my question; did that inclosure of the 100 acres take place prior to the application for the Act of 1862?—It was previous.

5582. The 100 acres was inclosed previously to the application for the Act of 1862?—Yes.

5583. Now, did the Inclosure Commissioners, in applying for that Act of 1862, apply for the inclosure of 600 acres or 700?—They applied only for 600.

5584. Did they take any notice whatever of the 100 acres which had been filched from the parish, and the public?—No, they said it was without their jurisdiction.

5585. *Chairman.*] They were empowered to inclose?—Yes, 600; but our common consists of 700.

5586. Mr. *Cox.*] Had not the Inclosure Commissioners appointed a surveyor, who had set out 700 acres in the parish of Chigwell?—Yes.

5587. Then after that some persons inclosed 100 acres out of the 700?—No, not after; the 100 acres was inclosed just as the award was made.

5588. Mr. Wetherall's award comprised 700 acres?—Yes.

5589. *Chairman.*] What was the date of it?—I have got the award myself, it was signed in May 1861.

5590. Mr. *Cox.*] Now, did that award comprise 700 acres of land in the parish of Chigwell?—Yes.

5591. Now, at or about that time did this inclosure of 100 acres take place?—Yes, about February or March.

5592. Then I ask you, did the Inclosure Commissioners come to Parliament for an Act dealing with 600 acres only, notwithstanding that their surveyor had set out 700?—The parish allotment consisted of 701 acres; they first take 100 improperly, and then they go to the Inclosure Commissioners to inclose the other 600.

5593. Mr. *Peacocke.*] I am sorry to interrupt you, but I do not understand what you mean by "they" and "them"?—The several parties who took the 100 acres, the churchwardens, and others; I can give you their names if necessary.

5594. *Chairman.*] Perhaps it will be as well to see what Mr. Wetherall says:—"And I do also award, set out, and allot, as and for a common for such part of the said parish of Chigwell as is situate within the said late Forest of Hainault, all that portion of the aforesaid commonable land situate in the said parish of Chigwell, and numbered 65 on the said plan, bounded on the north and north-west by inclosed land and premises in the said parish of Chigwell; on the west, and part of the south-west, by inclosed lands and premises situate partly in the said parish of Chigwell, and partly in the said parish of Barking; on the south and south-east, and on other parts of the south-west, partly by the common allotment hereinbefore awarded to the said parish of Barking, and numbered 55, partly by inclosed premises situate in the said parish of Barking, partly by the allotment hereinbefore designated as sale allotment, numbered 42, partly by the allotments hereinbefore awarded as fuel allotments, numbered 1, 2, 4, and 5, partly by the common allotment hereinbefore awarded to the said parish of Barking, and numbered 54, and partly by the common allotment hereinbefore awarded to the said parish of Lambourne, and numbered 64; and on the north-east by the said common allotment so awarded to the said parish of Lambourne, numbered 64. Excepting, nevertheless, out of the said common allotment, numbered 65, the several inclosed premises numbered respectively 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81 on the said plan; which said inclosed premises I hereby declare to form no part of the said common allotment numbered 65, and which said common allotment numbered 65 (excepting as lastly mentioned) contains 701 acres, 2 roods, and 32 perches"?—Yes.

5595. Mr. *Cox.*] Now, you have heard read the award of Mr. Wetherall. The Crown at first got 1,917 acres of land; then Mr. Wetherall proceeded to set out the land allotted to each of the parishes, and he sets out for the parish of Chigwell 701 acres?—Yes.

5596. Then the Inclosure Commissioner having done that, the next step is to go to Parliament for an Act to deal with 600, taking no notice of 100 acres having been taken away by somebody, and they deal with 600 acres out of 700 which their own valuer had allotted to the parish of Chigwell?—It is an extraordinary case of encroachment.

5597. *Chairman.*] Now just let us understand this; Mr. Wetherall makes his award; what date do you say that was?—May 1861.

5598. Was that acted upon?—No.

5599. Then you appealed against it?—No; if you will allow me I will explain it.

5600. Was it published?—Yes, anybody could have it. I immediately called a meeting as to our new common, I having been appointed, with others, at a vestry meeting, to look after our rights; and the moment we began to get possession of this 701 acres for the parish, I felt that it was allotted to us, that I had an interest in it, and that all the parish were entitled to that common.

5601. At that time was the 100 acres inclosed or not?—Strange to say, it was inclosed when Mr. Wetherall signed that award.

5602. It was inclosed before?—About a week.

5603. Mr. *Cox.*] While Mr. Wetherall was preparing his award, this inclosure was going on?—Yes, it was between February and May.

5604. *Chairman.*] I suppose Mr. Wetherall looked over the land?—Yes.

5605. Then after he had looked over the land, and while he was making his award, this inclosure took place?—Yes, the inclosure took place just before he made his award; the Act of Parliament said they were to do this within three years, and they took three years to do it.

5606. What Act of Parliament is that?—The "Commons Allotment Act" says it must be done within three years; that three years expired in June, and he signed his award in May.

5607. Mr. *Cox.*] That is not important; but what I want to know is this: after Mr. Wetherall went over the 700 acres, and prior to his making his report, did the inclosure of the 700 take place?—Yes.

5608. You are quite clear about that?—Quite clear

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5609. Then when the Inclosure Commissioners came to Parliament to deal with the common land belonging to Chigwell, did they attempt to deal with 700 acres, or only with 600?—Only with 600.

5610. Did they take any notice of those 100 acres which had been inclosed?—No; the same parties that had dealt with the 100 acres, applied to inclose the other 600.

5611. Who were the parties who had inclosed the 100?—There was a Mr. Elce, the overseer, who has got 50 or 60 acres; then there is a Mr. King, a churchwarden, who has 20 or 30 acres; Major Suart, a churchwarden, has four; Mr. Stiff, the guardian, took in nine; Mr. Prothero, the surveyor of highways, took in about four; and Mr. Walfords, the recorder of Maldon's Tenant, has taken in about 15, and made a little park of part of it; and Mr. Fletcher has taken in about two acres, making altogether about 100 acres.

5612. Then, when the Inclosure Commissioners came to Parliament for an Act to deal with the common land allotted to the parish of Chigwell, did they by that Bill deal with 700 acres, or only 600?—Only 600; there is their provisional order and their plans (*producing them*).

5613. *Chairman.*] What is the date of that provisional order of the Commissioners?—The 9th January 1862.

5614. Is that the one that is alluded to in the Act of Parliament?—Yes, that is the one.

5615. Mr. *Cox.*] Did that deal with only 600 instead of 701?—Yes.

5616. Did they make any report, or take any steps whatever with regard to the 101 acres?—No, they always refused to do so.

5617. Did you make any application to them upon the subject of these 101 acres?—I did; I asked them to take proceedings to recover them for the parish.

5618. You made that application to the Inclosure Commissioners?—I did.

5619. What did they tell you?—They told me that they had no jurisdiction over it, because their jurisdiction only extended to the 600 acres.

5620. Had not the Commissioner allotted 701?—Exactly.

5621. Their own officer?—Their own officer allotted 701; but they only went to them to inclose 600, leaving us to fight for the other 100.

5622. And took no notice whatever of the 100 acres which had been inclosed previously to the time of Mr. Wetherall going over the land, and making his report?—Yes.

5623. Did you make any application to anybody else, besides the Inclosure Commissioners?—Yes; as I said before, I made application to the Treasury, to Sir George Grey, and to the Attorney General.

5624. What has been the result?—They all of them said they had no jurisdiction, and could not take it up; and therefore I have brought an action myself.

5625. Against whom?—I have brought one against Elce, and another against King.

5626. *Chairman.*] What is the form of the action?—Trespass; they have pleaded to it the Statute of Merton, and I have got the replication here all ready to serve them with, but I have been waiting to see the decision of this Committee.

5627. Is the Statute of Merton the only plea?—Oh, no; but that is the principal one; they pleaded the Statute of Merton, which is 600 years old, with respect to a common that has been only created three years.

5628. Mr. *Cox.*] Is that action still going on?—Yes, I am sorry that I have been obliged to bring it; I consider that the Crown ought to do it; they undertook the carriage of this Bill, to give us 700 acres.

5629. Then you consider that as the Crown got their 1,900 acres, which you have told us was worth 100 *l.* an acre, they should have protected the rights of other parties?—Yes; they undertook the carriage of the Bill, and got all they wanted.

5630. And then they leave you, as an individual, to fight for the public rights?—Yes, and they not only got all they wanted, but they got that which they never ought to have had under the Act, the King's Woods.

5631. You have utterly failed in getting any redress from any Government Department?—Yes. I have the replication in the action here, if the Committee would like to see it; I have nothing to conceal, and I mean to fight them.

5632. Do you know of any inclosures that are taking place in the parish of Chigwell at the present moment?—Well, the valuer has been going on in his usual course, but I have stopped him from making his allotment, by giving him notice that I will not allow him to set out the allotments, and exclude the cottagers.

5633. Do you know Buckhurst-hill?—Yes.

5634. Was that part of the forest?—Part of the parish of Chigwell, but not a part of Hainault.

5635. That was part of Epping Forest, was it not?—Yes.

5636. Have they built a town there lately?—There is a great deal of building going on.

5637. Was not that very near the centre of Epping Forest?—Yes.

5638. You know nothing of Epping Forest, do you, beyond that?—No. Perhaps you will allow me to state, that although I have brought these actions against these two gentlemen, who are the largest encroachers, I have said to them, "I do not want to turn you out of the land which you have inclosed, but give us 100 acres of common anywhere else." I have not done this in a vindictive spirit, but to assert a right.

5639. *Chairman.*] You ask them to give you 100 acres somewhere else?—Yes.

5640. How can they do that?—They have got 600 acres amongst them; the provisional order has given it them.

5641. You say that an inclosure has taken place of 100 acres out of the 700; that Mr. Wetherall has already made his award, and as he does that, some one or other incloses 100 of it?—No; I say that Mr. Wetherall gave us that 100 acres with the knowledge that he could not give it us.

5642. And you are going to a court of law upon that?—I am.

5643. And I think that is the right place to settle it?—Yes; but I think you ought to know what has been doing in these matters.

5644. Mr. *Peacocke.*] There is one point I want to understand you clearly upon, because it seems to me that it is the gist of the case. Do I understand you positively to state that these inclosures did not take place previous to the Inclosure Commissioner going over the land, but took place between that time and his making his award?

award?—Just as he made his award. I think the "Law Times," in which the case is reported, is dated February; and immediately after that, when they found they were defeated in court, they began inclosing. It was done between February and May; I should say about March.

5645. *Chairman.*] That is the case of Walford and others, Appellants, *v.* Wetherall and others, Respondents, and is in the "Law Times" of 9th February 1861?—Yes.

5646. Mr. *Shaw Lefevre.*] What I understand is that you, as one of the commoners, in asserting your right of common over these 100 acres, have brought an action?—Yes, I brought two actions.

5647. Against persons who have inclosed?—Yes.

5648. And they have pleaded, first, that they had a right of approval under the Statute of Merton, and, secondly, that they approved with the consent of the Homage?—Yes.

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5649. Then, what have you replied to that?—I have not replied to it; I have been waiting to see what this Committee was going to do.

5650. *Chairman.*] The replication has not been put in?—It has not been delivered.

5651. You deny that they have inclosed with the consent of the Homage, I suppose?—The Homage have no right to deal with it at all. This land was forest land until the Act of Parliament made it common; then it became commonable land. The Act says that they shall set out for us this quantity of land; then these three or four people get together, and they allot just as they please, and do as they like. I shall be perfectly ready, and intend to go on with the actions unless a reasonable arrangement is arrived at.

Mr. WILLIAM DELANO, called in; and Examined.

5652. *Chairman.*] WHERE do you reside?—At Tottenham.

Mr. *W. Delano.*

5653. You attended a meeting, I understand?—I attended a meeting at the east end of London, at the Beaumont Institution.

5654. What was it called for?—For the purpose of preventing the inclosures of Epping Forest, and to show the injury which the public at large are sustaining by reason of the inclosures. I also wish to make a statement as to my own right to recreation there.

5655. Do you agree with the evidence of Mr. Shillibeer?—Mr. Shillibeer's evidence relates to Hainault and not to Epping. Hainault Forest has been dealt with under an Act of Parliament, but Epping Forest remains as it always has been, excepting these illegal inclosures by the Lords of the Manors and others. I wish to make a short statement as to the nature of those inclosures. You are quite aware that this Epping Forest is very near the Metropolis, and is much used by the east end of London by persons travelling on foot, and in other parts it is much used by the London public, and more so now, because of the convenience of the railways. It has been used from all time for recreation during the summer, and in winter time it has been used for the purpose of hunting, and so on. It has been used very much also by the commoners, who live by the side of this forest, to turn out their cattle; and many hundred cattle have been reared and brought up in this forest. There was a Court of Verderers also at Chigwell, to look after the interests of the Crown and the freeholders there; and that Court heard all parties. When the 10th of George 4, put the Crown lands and chases in the hands of Commissioners, and instead of allowing the verderers to act as they hitherto had done, in abating these inclosures, it there says, that if any one chooses to plead that his land is not in this forest, these inclosures are to be referred to the Attorney General; and from that time until now, very little has taken place. It is more especially the evidence of Mr. Gardener that I wish to call your attention to, because I think he misled you. It is well known that the forestal rights are in the Crown, and in the commoners and people for recreation, and also the Crown has the right of feed for the deer upon the timber, acorns, and so on. Mr. Gardener said the timber did not belong to the Crown, but it is known that from all time the deer have fed on the timber, and it is lopped in the winter time for their use. Therefore, it is very clear that although these lands may belong to the Lords of the Manors, and were granted to them at the time of the dissolution of the monastery of Waltham Abbey, to which all that forest belonged, the lords of the manor have merely naked manorial rights, and not forestal rights; but the lords of the manor deals with the rights of the Crown. Take the case of Mr. Hodson, who has lately inclosed 300 acres of this land near London, purchasing the land not long before; he goes, as soon as he gets this land, and puts a fence round it in some of the best parts of the forest, and that is now all inclosed; and I may say that the Commissioners of Woods and Forests have not taken any proceedings to restore it.

5656. Were all these facts brought forward at this meeting?—Not with reference to Hodgson's case.

5657. Will you be kind enough to hand in the resolutions that were come to?—I have here a copy of the minutes of that meeting (*handing the same to the Chairman*).

5658. The Marquess Townshend was in the chair?—Yes.

5659. This is the first resolution: "That the meeting deeply regrets to learn that the total inclosure of the remaining parts of Epping Forest is contemplated, such inclosure depriving the Crown and the public of a most valuable right, and many parts already inclosed, being of a highly ornamental character, and much used by the public, such inclosures are highly injurious and ought to be abated;" that was carried, was it?—Yes.

5660. It was then moved, "That the following gentlemen, with power to add to their number, be appointed a committee to represent this meeting and act in the attainment of the above objects:" then it gives their names; was that carried?—Yes.

5661. Then there is another: "That the committee be empowered to take immediate steps for the protection of the forest;" have they taken any steps?—We propose to take first steps by coming here.

5662. That is the only step you have taken?—That is the only step at present taken.

5663. Mr. *Cox.*] Do you know anything of an association

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association which has been formed for the purpose?—I believe there is one about to be formed, and I am afraid that unless there is something done, very bad results will soon take place, for the people at the east end of London are much annoyed about it, and I am afraid that serious consequences will follow if something is not done. It is getting more desirable every day that these places should be kept open, and it is a sad thing that the Commissioners of Woods and Forests should go and sell those rights for a trifling sum of money, when by the 10th Geo. 4, they are expressly prohibited from selling or leasing the rights except under the sign manual of the Queen, which they have never obtained: therefore the whole of these inclosures are quite illegal. I am afraid that the people at the east end of London will go riotously and knock them down unless some arrangement is come to, and I think the lords of the naked fee of the manors in the forest should give half of it back again; as it has been sold improperly and illegally, as you will find by the Acts of Parliament. Mr. Gardener comes and makes a statement, trying to confuse the Committee; but I think it is quite clear that, by the Act of Geo. 4, and the other subsequent Act, they can neither lease nor sell without the sign manual of the Queen.

Mr. William Stewart Forster, re-called; and further Examined.

Mr. *W. S. Forster.*

5664. *Chairman.*] I believe you have some additional statements to make?—I think it may be desirable in the first instance for me to offer a statement giving such information as the Committee may be likely to require, and after that, if any gentleman wishes to ask me a question, I shall be prepared to answer it.

5665. Mr. Alderman *Rose.*] I understand that you come as the agent of the lord of the manor of Wandsworth Common, to explain the state in which that common is?—I come here upon the summons of the Committee, to answer any questions which they may wish to put to me.

5666. *Chairman.*] There is one question which I will put to you; we have it in evidence that a railway has gone through Wandsworth Common?—Yes.

5667. The land was purchased by the railway, was it not?—It was.

5668. Was it taken under the Lands Clauses Consolidation Act, or in what way?—I am unable to state that; it was a transaction which took place before I had the management of this common, and therefore I cannot say; all I know is that it came to us from Lord Spencer's surveyor in the ordinary way; there was first one case, then another, the first was for a passenger station, and I think the other was for a goods station. I remember some remarks being made about the large quantity of land that was required, but it was said that they wished to be provided with land to make a large station. What has brought the matter to my mind is, that a deputation waited on Lord Spencer, on this very subject, when the matter was inquired into; and the deputation, consisting of Mr. Buckmaster and some other gentlemen, went away perfectly satisfied with the explanation.

5669. Do you know what that application was?—I was present, and can only speak from recollection; but I think it was just the explanation I have given.

5670. Was this sold by private contract, or under the powers of the Act of Parliament?—We did not go to a jury.

5671. Was it after the Act passed?—Oh, clearly. It is rather difficult to explain, because there was first one railway, and then it became amalgamated with another railway, so that there has always been some confusion.

5672. How many acres were taken?—In the first case it was two acres, and in the second between five and six.

5673. How much an acre did it fetch?—We received altogether 600 *l.* for the first two acres, and 1,638 *l.* 15 *s.* for the other five acres.

5674. That is about the same price?—Yes; the transactions were very nearly on the same occasion.

5675. It is about 300 *l.* an acre?—Yes.

5676. When was that?—I can give you the date of the conveyances, but the transactions were rather earlier; the first conveyance was in November 1861, and the second in June 1862.

5677. You neither went to arbitration, nor to a jury?—No; it was settled between Mr. Lee, Lord Spencer's surveyor, and Mr. Fuller, in the same way in which the great majority of these cases are settled.

5678. You made a claim, I suppose?—I do not suppose any formal claim was made. What has been generally done is to write to the surveyor, and say, "the railway want such a quantity of land, and we authorise you to negociate"; and we then know nothing about it until the result of that negociation is announced, which is always subject to our approval; we take Lord Spencer's instructions upon it, and if he thinks it right, the matter is concluded.

5679. Was there no negociation previous to the Act being brought in?—None, whatever.

5680. Now, will you be kind enough to make your statement?—I should say that my statement was only intended to inform the Committee as to what I supposed they wished to know.

5681. In respect to what, particularly?—I supposed that they wanted information with respect to the customs of the manor, the right of the copyholders, and all that sort of evidence, which I gave before, in the case of Wimbledon.

5682. Mr. *Doulton.*] Does your statement relate to those points?—It relates principally to those points.

5683. Mr. *Shaw Lefevre.*] With reference to Wandsworth, I suppose?—Yes. The only guide which I have as to the object of my being examined to-day was the letter which Mr. Doulton was kind enough to write to me, in which he referred, in the first instance, to these transactions on Wandsworth Common, and to the probability of my being asked with regard to the rights of common in both Wandsworth and Clapham.

5684. *Chairman.*] Will you be kind enough to make that statement?—I should tell you first, that I am steward of the manor, and have been so since November 1860, but I had a certain acquaintance with the manor previously, because I had been in the habit of assisting the late steward, more or less, in the management of it. I do not imagine that the Committee would feel in any way interested in the history of the manor from the time it came into the possession of Lord Spencer's family;

family; but, passing over that, I can point out to the Committee of what particulars the manor now consists, and I can give the acreage, which I may at once say is, as regards Battersea and Wandsworth Common, 150 acres, and as regards Clapham Common, which formerly was called Battersea East Common, 108 acres, making a total of 258 acres; and in addition to that there are some small outlying pieces of waste land here and there, but as to whether they are included in these quantities or not, I am not quite sure.

5685. Mr. *Shaw Lefevre.*] Are these all portions of the same manor, or different manors?—Of the same manor; I imagine that formerly there were two manors, but for centuries past it has been known as the Manor of Battersea and Wandsworth. The common, no doubt, was formerly much larger than it is; I can point out that, in the last 20 years, during which period I have directed my attention to the subject, there has been a great diminution and decrease in the quantity of the common. Besides the grants which I shall refer to, which have caused that diminution, there have been some encroachments which have only been recently brought to my notice, and I am inquiring about them now. I draw a distinction between the grants and the encroachments, because the latter are matters with which Lord Spencer and his ancestors have no concern whatever, and I have only devoted my attention to those grants which have been made during his time. Then I am prepared to tell you the total quantity which has been deducted from the common by what I should call authorised inclosures, authorised by the Lord of the Manor. Those amount to 140 acres 3 roods and 5 perches. I also can tell you the total which Lord Spencer and his predecessor received in respect of those 140 acres, that amount is 15,336 *l.* 15 *s.* The objects of these inclosures have been, for the most part for charitable institutions, such as schools or *quasi* public purposes. Very numerous applications have been, from time to time, received, to inclose over and above these inclosures, but they have been refused, more especially since the succession of the present Lord Spencer to the property, which, I believe, was in the month of December 1857.

5686. *Chairman.*] Can you give us the date of the first inclosure?—I was coming to that presently. If you will allow me, I will endeavour to explain of what the common now consists, and of what it formerly consisted. I will now go to the rights which exist over the common. As regards the Lord of the Manor, his rights are such as other Lords of Manors have over their commons, that is to say, he is the landowner, subject to such rights as exist, such rights of common, and rights of way. As regards the commoners' rights, I have not made that minute investigation which I did in the case of Wimbledon, which enabled me to speak with great confidence as to what the rights on Wimbledon were, but I have made some investigation, and as far as I can ascertain, the rights are confined to common of pasture, and the persons entitled to enjoy those rights are the copyholders of the manor: whether all the copyholders are entitled, or whether only copyholders holding several tenements, I am not prepared to say; as far as my inquiry has extended, there is nothing to inform me upon that point. Then as regards other rights, I am not aware of any rights which have been acquired by prescription. I believe that the rights of pasture are confined to the copyhold tenants of the manor. As regards the actual exercise of those rights, my information is that it is very limited; a great part of the common is unsuited to pasture, and there has been very little exercise of those rights. I was at the common last Wednesday, and I observed a good many cattle on parts of the common; I made some inquiries as to the persons to whom these cattle belonged; I could not get any clear information upon the point, but I found out the names of some of the gentlemen. and they are persons who I clearly apprehend have no strict right on the common. I believe my evidence on that point is borne out by what Mr. Rose, who was examined on the subject, said in answer to Question No. 1938, that the exercise of rights of common had been very limited. Then, with regard to the lord's rights, they have been confined to the authorising these inclosures, making these grants, and the sale of turves and gravel. Those rights have all been extensively exercised; the sale of gravel and turves have been pretty equally exercised for some years past; the right of making inclosures on the common has been exercised, within recent years, to a much smaller extent than it was some few years since, and I should think that the present Lord Spencer's succession to the title is the date at which that change appears to have taken place: I am speaking now not only of Battersea and Wandsworth Common, but of Clapham Common, but I should confine what I am stating as to the exercise of those rights to Battersea and Wandsworth Common; with regard to Clapham Common, I believe they have not been exercised at all.

5687. Mr. *Shaw Lefevre.*] There was some difference of opinion between the witnesses, as to the extent of Clapham Common?—I have read the evidence of some of the gentlemen who were examined, Mr. Gassier, and others, as to the extent of the common; and that there is a dispute as to the boundaries, I can only say upon that point, that I am perfectly unaware of any such dispute, and my reading it on the Minutes was the first notice I had of it; but the boundary is an imaginary line; there is no geographical feature to mark it. I do not know whether the Committee would like me to run through the inclosures, I have got a list of them here; I have already given the totals, but I can give the acreage in each case, and the price.

5688. Mr. *Tollemache.*] You are not at all called upon to tell us the price, unless you like?—I was authorised by Earl Spencer to give all the particulars the Committee might desire.

5689. Mr. *Shaw Lefevre.*] You have told us that 140 acres have been sold for 15,000 *l.*?—Yes; and if you take the average you will find that the price now is rather higher than it was formerly.

5690. *Chairman.*] Be good enough to give the particulars of each inclosure?—I endeavoured to give some attention to the question, and having Earl Spencer's authority to state everything, I felt no difficulty about it. The only difficulty would be as to answering questions upon the titles of other persons, whose authority I have not. I extended my inquiries to a period of 20 years back, and I find that the first inclosure that was made, was in the year 1845, by grant to a Mr. Beckett, of a small piece of waste land on the east side, containing 2 roods 7 perches.

5691. Mr. Alderman *Rose.*] What was the price?—It was leased at, I think, 1 *l.* a year, and

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then afterwards it was sold to the Richmond Railway Company.

5692. For how much?—I cannot say; I have no means of ascertaining that. Then the next was Miss Wilson's inclosure, which was half-an-acre between her house, or rather the house belonging to Lord Spencer, of which she had a lease, and an old gravel pit which was filled with water, which was called the Black Sea, and of the Black Sea.

5693. This is on Wandsworth Common?—Yes, on Wandsworth Common; that was a lease for 43 years, at a rent of 5 *l.*

5694. What was the date of that lease?—1846. Then there was a piece of land sold to Mr. Whitehurst, at St. John's Hill; that was a small piece of roadside waste, containing 3 roods, 11 perches, adjoining Mr. Whitehurst's house.

5695. What was the price of that?—£. 122. for less than one acre. Then there was a lease to Mr. Hemming of a small piece of waste land adjoining the London and South Western Railway, measuring 2 roods 16 perches, at a rent of 2 *l.* 2 *s.* a-year. Then there was a sale of a piece of waste land to Mr. Willis of nearly two acres, abutting on the road from Clapham to Wandsworth, and another piece of waste on Battersea Rise; one is 1 acre, 3 roods, 17 perches, and the other is, 1 rood 13 perches, which was sold for 250 *l.* Then there was a grant to St. James' School, in the year 1850, of 20 acres, price 600 *l.*, and as to that I have this note that this was partly a gift from the late Lord Spencer to the schools of his own parish. The land is valued at 100 *l.* an acre. Then I came to an inclosure in the year 1852, for the magistrates of the county of Surrey, which is 8½ acres in front of the gaol; the price paid for that was 350 *l.* I may mention that the grant was made upon trust, that the magistrates should plant the ground ornamentally, and keep it so planted, and that the land should be for ever annexed to the prison, and therefore inalienable. Then in the year 1852 there were three small enclosures, one for Mr. Blackmore, another for Mr. Oliver, and a third for Mr. Forsyth; they were three little slips of roadside waste, adjoining what is called the Jew's-road at Wandsworth. The price of the one was 34 *l.*, the next 16 *l.*, and the last, 3 *l.*: the first was 225 feet, the next 20 feet, and the last five feet; that is measuring from north to south. I do not know whether it is frontage or not. Then there was an enclosure by Mr. M'Kellar of three acres, the price paid for which was 180 *l.*, but it was sold subject to the restriction that it should not be built upon without the consent of Lord Spencer and a homage jury of the manor. The extent of that was three acres. Then comes the grant of a right of way to the trustees of the Freemasons' School. That was in the year 1853, the price of the accommodation being 20 *l.*

5696. £.20 for how much?—It has no quantity, it is a roadway. Then comes a grant in 1854 to Mr. Gillott in quantity 2 roods, 16 perches, the price being 75 *l.* Then there is another lease to Miss Wilson, in the year 1854, of the land on which the windmill stands; that was for 35 years at a peppercorn. Then comes a grant to Mr. Moseley in 1856 of two pieces of land, one piece of which the quantity is not given, but which was the site of the old pound, and another of 30 perches in front of the dwelling-house of Mr. Moseley, the price of the two being 90 *l.* Then there is a grant in the year 1851 to Mr. Hanbury, who is the trustee for Mr. Ducane, who, I believe, is the owner of the place which Mr. Rose rents; the quantity of that was 1 acre, 3 roods, 35 perches, and the price was 196 *l.* Then in 1856 there was a second grant to Mr. M'Kellar of 8 acres, 3 roods, 38 perches, of which the price was 2,000 *l.*

5697. Were there any stipulations as to building there?—No; there were not. Then in the year 1857 there was a grant to the Commissioners of the Patriotic School of 52 acres, the price paid being 3,700 *l.*; but as to that, I should say that the price really was 1,500 *l.* larger than the sum named, and Lord Spencer made the 1,500 *l.* a gift. Then comes a grant to Mr. Heath of a small roadside piece, the exact situation of which I have not been able to ascertain, or the quantity; the price was 10 *l.*, so it must have been some very trifling transaction. Then comes the first railway case; my inquiries have not gone back to the time of the South Western Railway, because that was bought before the 20 years over which my inquiries have extended, but this is the London and Crystal Palace Railway; the quantity they took was 29 acres, 3 roods, and 9 perches, the price being 5,200 *l.* Then comes a conveyance to the London, Brighton, and South Coast Railway in the year 1861 of 2 acres, for 600 *l.*, and in 1862 there was a grant to the same company of 5 acres, 1 rood, 34 perches, for 1,638 *l.* 15 *s.* Then there was a grant in 1862 to Mr. Lucas of a small piece of land, the quantity of which I have not got; it was a piece, smaller than the inclosure within this horseshoe table, of roadside waste, for 12 *l.* Then the last grant was a further grant to St. James' Schools of three-quarters of an acre.

5698. When was that?—In 1862.

5699. That is the place where a fence has just been put up?—Yes.

5700. What price was paid for that?—£. 135. Then as regards some of these small grants, I may say that the object of making them was as much to get rid of deposits of manure and nuisances of that kind as anything, and as regards the larger grants, the greater portion of them are to schools and *quasi* public purposes. As regards the railway company's grants, they seem to have taken up a very large quantity of ground, but the explanation of that is that they excavated large spaces for their soil banks, and having removed all the soil, they were of course obliged to purchase the plot where the soil had been taken.

5701. Is that included in the 2 acres?—No, there is nothing there; it is a large space in front of Mr. Rose's house.

5702. Mr. *Doulton.*] The 29 acres sold for 5,200 *l.*?—Yes. There is one other fact as regards these railway companies which I may just mention. I believe, but I only know it on the authority of one of the gentlemen who attended Lord Spencer on the deputation to which I have already referred, that before these railways were made, there was some compact entered into between the railway companies and the parishes, by which the opposition of the parishes was bought off for a sum of money which the parishes received from the railway companies for the sake of peace. I mention that, because the question was asked of Mr. Rose, and he was not in a position to give the information.

5703. Mr.

5703. Mr. *Tollemache.*] Do you know what the sum was?—I do not, unfortunately I have mislaid the papers.

5704. It was paid to the parishes?—Yes, Mr. Buckmaster, read a long statement, and he promised to send me a copy, but never did. Then as regards the management of the common, I think I may state that the turf is cut so as to prevent unnecessary waste or annoyance; I have made inquiries, and I find that the directions given have been, so far as I can see, faithfully adhered to; and I may make the same remark as regards the gravel; the gravel has been taken, and the turf has been cut so as to avoid all unnecessary waste and annoyance to people in the neighbourhood, that is to say, if we can cut turf away from a gentleman's house, we always do so, and very few complaints have been received about that. Then I may mention that the parish have rights of digging gravel over Wandsworth Common, under the General Highway Act, and I think a great many sins which have been laid to our charge are very much more fairly chargeable to the parish, for I must say that they do appear to have dug gravel in a very wasteful, extravagant, and altogether unnecessary way. In the first place, they dig down a few feet, and then not liking the trouble of going deeper they begin elsewhere. We have no control over them, and have no means of preventing their digging in other places; whereas, we always dig down to the clay, and take care to carry on our works in obscure corners; they dig all over the place. We have received a great many complaints on that subject, and I have been able to trace the whole of them to the digging of gravel by the parishes, and not to the digging of gravel by ourselves. We had so many complaints a year or two ago that I spoke to our common keeper about it, and told him to endeavour to arrange with the parishes to dig the gravel for them, and to offer to dig it for them at as low a price as they could get it anywhere else. The parish of Battersea came into that arrangement, and the result is, that we dig the gravel from one pit, in which the works are properly carried on, instead of in half a dozen pits. The parish of Wandsworth would not come into the arrangement. Another object I had in getting that done was, that under colour of digging for the parish, a great many of their contractor's people were, as we found, in the habit of digging gravel and cutting turf, and selling them for gentlemen's gardens, which of course was a very improper thing, and I thought that I was entitled to expect the parishes would assist me in endeavouring to put a stop to it. Then I may say the management of Wandsworth Common has not been in our hands many years.

5705. Mr. Alderman *Rose.*] Can you give us any particulars with reference to Wandsworth Station?—It is built upon the two acres which were sold for 600*l.*; that is all that I can tell you about it.

5706. Does it not close up a public way?—Not that I am aware of; but I should say that I am not very familiar with the locality.

5707. Does it not shut out the people of Wandsworth from Battersea, and *vice versâ*?—I do not see how it can; there is a bridge over the railway, which is a continuation of the high road. There is one road in front of the cemetery, and that runs at right angles with the other road from Battersea Rise to Wandsworth. I cannot conceive that it can in any way interfere with the public right of way; if it does it is the affair of the railway company, and Lord Spencer has nothing to do with it. Then I was going to mention that in the year 1839 a lease was granted by the then Lord Spencer to certain gentlemen at Battersea and Wandsworth, which would naturally have expired in 1860, but it was determined by Earl Spencer, under a power in the lease, at an earlier date; I believe (I speak with some diffidence, because it is not within my own memory), in consequence of the complaints which were received of nuisances in the neighbourhood, and of the way in which individuals under the lease were digging gravel and cutting turves. When that lease was terminated, I am sorry to say that the state of things was not much mended, for a gentleman of the name of Mackeller was appointed common-keeper, with the idea that he would be more under our control, but practically he was hardly at all under our control, and the complaints were as numerous as before, and I am disposed to think that there was a great deal of justice in those complaints. After a great deal of trouble, we terminated his appointment as common-keeper, and we then appointed another man, a Mr. Francis, and, from his appointment I date the improvements which have taken place in the mode of digging gravel and cutting turf. He died a short time ago, and since that another respectable man has been appointed, who will, I believe, cut the turf and dig the gravel with as much regard to the convenience of the inhabitants. Going on to Clapham Common, I may mention that that is under a different administration. In 1849 a lease of that common was granted to certain gentlemen at a rent of 20*l.* a year, which is still paid to Earl Spencer.

5708. When does that lease expire?—In 1870.

5709. Has any application been made for a renewal of the lease?—There has been an application, which I have answered by saying that at present I do not see any necessity for renewing it, inasmuch as it has not expired. I observe from the notes of the evidence that one gentleman stated the fact that I casually inquired whether they would pay a higher rent, and I should say that that is an inquiry which I am very much in the habit of making when applications are made for the renewal of any lease.

5710. Are you aware that the other Lord of the Manor, Colonel Bowyer, has granted a renewal of his lease?—I observe that it is so stated in the evidence, but I do not know it of my own knowledge.

5711. And that Earl Spencer has refused to renew his lease?—That is not quite a correct account of the matter; Earl Spencer has given no answer, but he is inclined to say that as these questions with reference to commons are now being much discussed, and as there is a probability of the Metropolitan Board of Works taking upon themselves the management of them, there is no immediate necessity for granting a lease, and that the better course would be to let the matter stand over.

5712. Is not that, in effect, declining to renew the lease?—Pending this inquiry Earl Spencer thinks it better to let the matter remain in abeyance. Then, with regard to the net profits made by the Lord of the Manor, of Wandsworth, they amounted in 1862 to 357*l.* 8*s.* 10*d.*; in 1863 to 502*l.* 9*s.* 8*d.*; and for 10 months of 1864 to 463*l.* 3*s.* 1*d.* In the course of my examination upon Wimbledon Common I was asked to put in a similar

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a similar statement, but omitted to do so. I will now, with permission of the Committee, supply the information. In 1862 the net profits were 787 *l.* 13 *s.* 8 *d.*; in 1863, 923 *l.* 4 *s.* 10 *d.*; and for 10 months in 1864, 968 *l.* 8 *s.* 4 *d.* That does not include the rent of the lease of Clapham Common. Then another point upon which the Committee might possibly like some information is as to the nuisances upon the common which are complained of. I believe that they mainly arise from the way in which the parish have dug the gravel there, and also from the presence of gipsies and prisoners coming out of the gaol, and of loose women who frequent the common. I saw plenty of that class of women when I was down there the other day, and one of them told me that she had lived on the common for three years; and I afterwards met five or six others to whom I did not speak, except to direct them not to set the furze on fire. I am told that they have been equally long upon the common, and that there are a great many more women of the same class. They are much complained of. The gipsies are to some extent complained of, and the prisoners who are discharged from the gaol are also much complained of. As soon as they are discharged from the gaol they have landed on the common. Application has been made to Sir Richard Mayne, and I have heard that his answer with reference to Clapham Common was the same as it was to us about Wandsworth Common, namely, that he has no jurisdiction. I do not know whether he went so far as to say that if he had he would not exercise it, though that I observe, is what one of the witnesses suggested, because it would be such a heavy charge. The only other thing which it occurred to me I might be permitted to say has reference to evidence given before this Committee by Mr. James Anderson Rose, in which statements were made by him which I do not think I ought to allow to pass without some remarks. If you will allow me, I will take his answers in the order in which they come; and the first answer to which I will direct your attention is that given in answer to Question 1891. The question put to Mr. Rose is this: "In making these inclosures were public footpaths interfered with;" and the answer is, "Yes, there were public footpaths over Wandsworth Common, the whole of which have been stopped up, except one which crosses it in the centre from the station, at the junction of the Wandsworth-road, with the road at the end of Nightingale-lane; there is that one footpath left which crosses the common in a straight line." I may state, that when I was down at Wandsworth I made that the subject of inquiry, having no personal knowledge on the subject, and all I can say is, that I could not find that statement borne out by persons who are very much connected with the common. I saw one man who had worked on the common for 22 years, and he was unable to point out to me where there had been any footpaths. I should add, that if any footpaths have been stopped up, it is a consequence of the railway coming there; and Earl Spencer is not responsible for it.

5713. *Chairman.*] The result is, that you went and made inquiries, and could not find out that there had been any road stopped up?—That is exactly what I mean to say. Then, in answer to Questions 1893 and 1894, which had reference to the drainage, I observe that Mr. Rose said: "The drainage of Wandsworth Common was kept in good order 13 years ago by the inhabitants who held a lease of it; they excavated gravel at certain points, but did so so as to make the places where the gravel was excavated from ornamental water; the common drained into those places, and high lands were left, so as to increase the beauty of the common; and it being a table-land of gravel, the water was drained off in all directions on each side of the common, leaving the common itself perfectly drained." He seems to attach some importance to that ornamental water; but then he goes on to say, "Wandsworth Common is a morass now; it has been excavated to such an extent that the whole of the space from Nightingale-lane up to the centre of the common is under water all the winter; it was under water up to the 20th of March when I was there, and is now to a considerable extent; and although in the summer the water soaks away, it leaves the common in a very bad state, so that it cannot be used for any other purpose." Then, in Question 1895, being asked whether he considers the condition of the common as to drainage prejudicial to health, he says, "Certainly I do; this piece where the excavations were made for the railway, and this piece here, are full of water, and of course there are exhalations from that." I merely wish to draw attention to the fact, that Mr. Rose appeared to regard the water which had got into the gravel pits which had been dug out by the lessees as ornamental and desirable, and the water which had got into the gravel pits dug by the railway company as undesirable, because there were exhalations; I went down to the spot, and I confess I could see very little water; and what there was was in the pits. I made inquiries of our head foreman, and he says that he regards it as one of the driest places near London.

5714. Mr. Alderman *Rose.*] Are you speaking of the part enclosed by the railway company?—I am speaking of those parts, and of other parts of the common. Then Mr. Rose made a statement with reference to a dead body which had been taken out of a pit. Upon that subject I made inquiries, and I found that the dead body had been taken out of a pit which is within the railway inclosure, and was so at the time that the dead body was found. In reference to that I disavow all responsibility, as the agent of Earl Spencer.

5715. *Chairman.*] The effect of your answer is, that you went down and made certain inquiries of people there, and found that they knew nothing at all about it?—The impression calculated to be produced upon the mind of anyone reading the evidence of Mr. Rose upon that point is, that Earl Spencer had dug a pit, and had left it unguarded, so that a person had fallen into it. That is not the case, because the railway company dug the pit; it was within their inclosure, and therefore the person whose body was found must have got over the inclosure. Then in the Question 1897, to Mr. Rose, "In the whole area of Wandsworth Common is there a sufficient level space left anywhere for a cricket ground?" and the answer is, "No; there is no space left now where athletic sports could be carried on, except this small triangular space towards Wandsworth town." I know that, by Earl Spencer's authority, there is upon Wandsworth Common a cricket ground, which is certainly considerably larger than Lord's Cricket Ground, upon which many matches are played, and that there are many other spots upon which

which games can be played. Then Questions 1899, 1901, and 1902, had reference to the inclosures, and upon that subject I may mention that Earl Spencer has, from time to time, received applications from people in the neighbourhood, suggesting that to inclose the whole of the common would be a very good thing, and that he never had any remonstrances addressed to him upon the subject until the deputation waited upon him in 1863, the principal object of which deputation, I believe, was to protest against the inclosure, by the railway company, of the additional five acres.

5716. Mr. Alderman *Rose.*] Am I to understand you to say that no public demonstration was made until the inclosure commenced?—Not until the last of the inclosures commenced, and it was, I believe, limited to that one. At other times, before that, the suggestion had been made, that the whole common should be inclosed.

5717. *Chairman.*] Was not some complaint made by Mr. Clarkson?—Not that I am aware of.

5718. And did he not thereupon receive compensation?—That was a question arising between him and the railway company. Then, in answer to Question 1904, Mr. Rose makes this statement, "I believe a deputation of the inhabitants did wait on Earl Spencer, and requested him to grant a new lease of Wandsworth Common, upon condition that they would preserve it as a public place for public use and enjoyment." I am not aware of that offer, and I observe that Mr. Rose says that he was not present, and cannot speak of his own knowledge, but he fancies it was six or seven years ago.

5719. Mr. Alderman *Rose.*] That lease was terminated, I believe, by the late Lord Spencer?—It was.

5720. And before you had anything to do with the common?—Just so. Something has been stated in the evidence with respect to the butts which it was contemplated to put up, at one time, upon Wandsworth Common. Earl Spencer observed what Mr. Rose had said regarding that, and he wrote to Colonel Macleod upon the subject. Mr. Rose says they remonstrated with Earl Spencer on putting up those butts, and that Lord Spencer refused to withdraw his consent, and he afterwards says that they threatened Lord Spencer with an injunction. Colonel Macleod explains exactly what took place in his answer, which is as follows: "South Kensington Museum, London, W., 25th April 1865. My dear Lord Spencer,—You ask me to state what occurred between yourself and me about a rifle range which I was anxious to have on Wandsworth Common. I recollect the circumstances very well. They took place in the autumn and winter of 1860. I applied to you first in August, and if you remember, you drove me down one day to look at the ground. You thought it would not do; but I urged it rather strongly, pointing out the great difficulty of getting a range near London. You then said the proper course would be to have it inspected by a Government officer, by whose report you would be guided. Major Nelson afterwards inspected the ground for the War Office, I think, about the middle of October. I sent you his report. It was favourable; but you thought it would be desirable to have two opinions, and another report was obtained about a month later. This also was favourable to the range, and you then consented to grant a lease of the ground for a term of seven years. The agreement was ultimately signed in December 1861, but subject to your approval of the butt to be erected. There then arose a serious difficulty, which at last put an end to the whole thing. The height and width of the screen, which you and the inspectors considered indispensable for the safety of the public, made the erection of the butt a matter of so considerable an expense, that the members of my corps felt it would be imprudent to make our range unless we had a reasonable hope of being allowed to use it. Many of the residents of Wandsworth were favourably disposed, but a few threatened an interdict; and after much deliberation I determined, though with great reluctance, to give up the range altogether, as the most prudent course to follow. I am glad now that I did so, for an accident, or an interdict, or both, might have been the result, notwithstanding the precautions recommended by the inspectors and yourself for the safety of the public.—Believe me, my dear Lord Spencer, yours very sincerely, *MacLeod* of MacLeod." My only object in reading that is to show that Lord Spencer was not regardless of the public interest when considering that question of the range.

5721. Did the inhabitants get any answer from Lord Spencer?—The inhabitants addressed a memorial to Lord Spencer, and then a deputation from them waited upon him. He then explained to them the precautions which he proposed to take, or had taken, and stated to them that if the range did not appear safe he should not sanction it; but that if it did appear safe, he saw no reason for withholding his consent. Their objection to it really was that it would be unsafe.

5722. Mr. *Doulton.*] The amounts paid for the portions of land which have been sold, have, of course, been for manorial rights?—For whatever Earl Spencer had to sell.

5723. As lord of the manor?—Quite so.

5724. How many of the 29 acres purchased by the Crystal Palace Railway Company have been used by the Company for the purposes of their railway, apart from the pits which they have dug for ballast?—I believe from the 29 you must deduct 13, and the remainder would be the quantity taken for the area of the railway.

5725. Has the railway company resold any part of the land?—Not that I am aware of.

5726. Have any houses been erected upon the land purchased by the railway company?—Only stations.

5727. No houses have been built for working people?—No, I believe not.

5728. On what enclosures have the principal erections taken place?—Except in Mr. M'Kellar's case, I do not think that there are any erections, except upon enclosures made specially for erections, such as the Patriotic School. When I was down there I saw that buildings were in process of erection upon Mr. M'Kellar's ground; I believe I am correct in saying that that is the only land upon which houses have been erected. There was no trafficking with the land, as building land, except in Mr. M'Kellar's case.

5729. Are the conditions upon which the three acres of land were sold to Mr. M'Kellar still existing?—Yes.

5730. Are those three acres of land built upon?—They are not.

5731. For what purposes are they used?—For agricultural purposes; I believe they are laid down in grass.

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5732. Were the other eight acres sold with a full knowledge that it was the intention of Mr. M'Keller to build upon them?—No, I believe it was not his intention at that time to build upon them.

5733. For what purpose would he pay 2,000 *l.* as the value of them?—He had a large place there, and he wanted to add to it; it was as accommodation land that he bought it, and he has used it for farming,

5734. But he would hardly give 280 *l.* per acre unless he contemplated building upon the land?—No doubt, ultimately, he did contemplate building upon it. That was a transaction, however, before my time, and I cannot say what was in the knowledge of the steward, or of the late Earl Spencer.

5735. When did the sale of the eight acres take place?—In 1856.

5736. Two years before the present Lord came to the title?—Yes.

5737. You have spoken of the inconvenience consequent upon digging gravel by the parishes?—Yes.

5738. Has the Lord of the Manor no control over them?—No, I believe we have no control, beyond the control which every one has under the provisions of the Highway Act; we thought that the best course would be to get the digging into our own hands.

5739. We have heard that in other parts of the country the Lord of the Manor suggests the locality from which the gravel shall be dug?—I have occasionally addressed remonstrances to the parish authorities, and have done all I could to get the digging of the gravel into our own hands, with the view of conducting it in a way which would cause less complaint.

5740. Which of the parishes still exercises the right of digging?—The parish of Battersea exercises the right through us, that is to say, we dig for them, but the parish of Wandsworth exercises the right of digging for itself. The parish of Battersea came into our arrangement, but Wandsworth did not.

5741. Does the parish of Wandsworth exercise its right over any part of the common?—The parish authorities dig just wherever they please.

5742. Is there any common keeper?—Yes.

5743. What are his duties?—To prevent encroachments, and to keep trespassers off as far as possible.

5744. Mr. *Cox.*] What sort of trespassers?—Gipsies and vagrants, or any one misconducting himself, or annoying other people; he has the control of the digging of the gravel, the cutting of the turf, and so on, and looking after the property generally. Upon any question affecting the common I refer to him, and I send him instructions.

5745. Mr. *Doulton.*] Does he issue reports as to the state of the common?—Not unless they are required.

5746. I understood you to say that suggestions were made by the inhabitants in the neighbourhood for the inclosure of the common?—Such suggestions were made by some of the inhabitants.

5747. When was that?—As nearly as I can recollect, about three years ago. A suggestion of that kind was made to me when I was walking across the common with several inhabitants. I went down there one day, and they suggested whether it would not be a good thing to inclose the common, and whether it would not be a benefit to the neighbourhood.

5748. That was clear evidence to you, was it not, that the common was in a very disgraceful state?—I do not know how far that may be; I do not believe that it is in a satisfactory state.

5749. To what do you attribute the present unsatisfactory state of the common?—Partly to the way in which the parishes have dug the gravel, and partly to the nuisances arising from the discharge of the prisoners from the gaol, and from the presence of the women there; I saw a woman there tearing up the furze in all directions, and I saw others firing the furze.

5750. As you have a common keeper, is it not his duty to prevent acts of that description?—It is, and whilst I was there the common keeper came up. They put their pots over the fire, and had the impudence to say that they had not lit the furze.

5751. Mr. *Cox.*] But they have a right to be there, have they not?—I do not see what right they can have there.

5752. Mr. *Doulton.*] Do the police exercise any control?—Not unless there is a breach of the peace; on the roads they exercise control, but when once you get off the roads they will not. These people understand that, and they feel themselves in a very strong position.

5753. I am anxious to understand the exact position which Clapham Common stands with reference to the rights of Earl Spencer. I think you say that a lease is held by some of the inhabitants?—Yes.

5754. Which expires in 1870?—Yes.

5755. And that application has been made to Earl Spencer for a renewal of that lease?—Yes.

5756. Am I to understand from you that there has been no denial on the part of Earl Spencer to grant that lease?—Undoubtedly.

5757. Then in what position is the question?—It may be said that they are waiting for an answer from me, and the answer which I thought of giving them was, that pending this inquiry, inasmuch as there is a lease existing, any such application is premature, and that I see no reason for disturbing the present arrangement.

5758. That is in reply to a request from them to grant a further lease?—Yes; they propose to surrender the lease they now have.

5759. Was that your reply?—No reply has yet been given at all, except that I would consult Earl Spencer.

5760. They are waiting for an answer from you?—That is just the position of things.

5761. Are you prepared to make a proposal at the present time on behalf of Earl Spencer?—I am not instructed to do anything of that sort; I know that Earl Spencer has no project in view.

5762. Colonel Bowyer, I believe, has granted a new lease of his portion of the common?—So I understand.

5763. I suppose that, in the ordinary course of things, an answer will be given?—Certainly.

5764. But not until this Committee has concluded its labours?—I think it preferable to wait to hear the result of this inquiry; I believe that Earl Spencer quite appreciates the care which is taken of that common, inasmuch as no turf is cut, and no gravel is dug.

5765. Mr. *Tollemache.*] We are told that in consequence of the Act of Parliament, which handed over to the railway company a certain portion of the common, public paths have been closed;

closed; was any opposition made to that on the part of the parishes?—I believe not; on the contrary, it would appear, if I am correctly informed, that there was an agreement under which the parish was paid a certain sum of money.

5766. And all opposition on their part was in consequence bought off?—Yes; that was a transaction of which we had no knowledge at the time, and I knew it for the first time from Mr. Buckmaster having mentioned the fact in 1863, at the time that the deputation waited upon Earl Spencer.

5767. Did those footpaths lead from Battersea to Wandsworth?—I do not know.

5768. The proper persons to complain of such an Act would be the parishes?—Clearly.

5769. And you say that they received a sum of money which satisfied them?—So I am told.

5770. At any rate, they did not oppose the Act?—Not that I am aware of.

5771. Mr. *Peacocke.*] Are there any rights of common over Wandsworth Common, except those of pasture?—Not that I am aware of.

5772. Were the sales of which you have spoken effected with the consent of the homage?—Some with, and some without; the railway purchase was under the Act of Parliament.

5773. I am referring to those sales in which you have been concerned?—I am not sure that I have been concerned in any of them, or, at any rate, the only one in which I have been concerned was a little plot of land sold to Mr. Lucas, and I do not think that any consent of the homage was obtained for that.

5774. Then the sale was effected under the Statute of Merton?—I do not know; I do not think, with all possible deference, that that is a question which you should ask me; it is a question affecting other people's title.

5775. The sale was not effected under the custom of the manors?—I am not prepared to say how it was done; the agreement was made, and I believe without the consent of the homage.

5776. Were the homage called together to consent to the grant?—To the best of my recollection they were not.

5777. Did the commoners receive any compensation in respect of these sales?—Not that I know of; I believe not; in fact, I am sure they did not.

5778. Do you find that upon other commons besides Wandsworth, the parishes dig the gravel wastefully?—My knowledge of commons is confined to Battersea, Wandsworth, and Wimbledon; I do not suppose that any of them do it with so much regard to the preservation of the soil as we should.

5779. Or as they might do it?—No, I do not think that they do; I believe they employ paupers, and people who are not good workmen.

5780. Have you any authority to point out to them where they shall dig?—No; I believe they have the right to go on any part of the waste, and dig in any way within the provisions of the Highway Act. So far as we are concerned, they have a right to do just what they please. We are in no better position, I believe, than any other persons.

5781. You have no power to direct in what manner the ground shall be dug?—No.

5782. Mr. Alderman *Rose.*] I understand you to say, that of your own knowledge you know nothing about these paths or right of way previous to 1863, when you came into office?—No, I do not.

5783. What is the name of the common keeper?—The name of the present man is Wyke.

5784. Is there any intimation on the common of where he is to be found?—His foreman has worked there for 22 years, and is well known.

5785. But there is no intimation on the common of where he is to be found?—We put notices up from time to time, warning people not to cut the furze or deposit rubbish heaps, and I believe that the common keeper's address would be found at the bottom of those notices.

5786. You have quoted Mr. Buckmaster on several occasions. Will you be good enough to read a letter of his that I will hand to you, and then say whether you adhere to your statement, that he has not opposed these encroachments. Has Mr. Buckmaster, or anyone connected with Wandsworth Common, made representations at any time in regard to inclosures by the Railway Company?—Yes.

5787. What has been the purport of those representations?—Mr. Buckmaster, and some other gentlemen, waited on Lord Spencer in October 1863, having previously addressed a memorial to him on the subject, I think, not of inclosures generally on Wandsworth Common, but on the subject of the inclosure by the Railway Company; I believe no other inclosures were referred to. They expressed themselves perfectly satisfied with the explanations that Lord Spencer gave them, and Mr. Buckmaster, in concert with myself, agreed upon a report of that meeting, which was to appear in the newspapers, and did, I believe, appear in the newspapers.

5788. Then there is a report in existence?—Mr. Buckmaster has a report. I had a copy of it, but I have mislaid it.

5789. Was it a public meeting?—No, they waited upon Lord Spencer at his house. As some correspondence had appeared in the papers upon the subject, it was thought as well that something should be said about it, and a short *resumé* of what had passed was drawn up by Mr. Buckmaster, approved by me, and then returned to Mr. Buckmaster to be forwarded to the newspapers, and I have no doubt he forwarded it. He had prepared a long statement, and I remember he asked me whether he should publish it. I said there were facts stated in it which I did not know, and that I did not think anything would be gained by publishing it.

5790. Did that report refer to the inclosures made by railway companies, by public bodies, such as schools and prisons, and by private individuals?—To the best of my recollection, it referred only to the railway inclosures.

5791. Can you give the Committee any information with regard to the circumstances under which Mr. Drax broke down a fence on Wimbledon Common?—It occurred before my time.

5792. Is it not the fact that he did so?—In the first place, Lord Spencer made no inclosure on Wimbledon Common. A certain Mr. Tucker was the owner of a small property there; adjoining it was a small piece of roadside waste, and Mr. Tucker came to the late Lord Spencer and said, "What will you sell me your manorial rights over that for?" It was agreed that he should pay some small price. After that, I understand that Mr. Tucker put up an inclosure, which was broken down by some one or other;

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I heard that it was Mr. Drax. Mr. Tucker then came to us and said, "Now, will you enable me to fight this battle"? and I said, "certainly not, it is your affair, you put up the inclosure; Earl Spencer does not care twopence whether it is up or down; but if you do not feel man enough to fight this with a wealthy man, I will, if you like, give you your money back." That is how the matter ended.

5793. Was not notice of trial given?—Not to us; I believe that an action was brought by Mr. Tucker against Mr. Drax that was discontinued.

5794. Mr. Tucker had the grant from the lord of the manor, and that was disputed by Mr. Drax?—Mr. Tucker bought Earl Spencer's manorial rights.

5795. Do you know what price was paid?—I have an idea, but it is so very vague that I think I had better not mention any figure; it was a very small sum.

5796. Mr. *Cox.*] I understood you to say that people have been in the habit of playing cricket on Wandsworth Common by Lord Spencer's authority; when was that authority given?—When it was originally given, I do not know.

5797. When, to your knowledge, was Lord Spencer's authority given to play cricket on Wandsworth Common?—I cannot say.

5798. How long have you known Wandsworth Common altogether?—Five or six years, perhaps.

5799. Not more?—No; I have not been intimately acquainted with it until within the last two years.

5800. Then you cannot tell whether people have been in the habit of playing there for the last 30 or 40 years?—No; I cannot tell you of my own knowledge.

5801. Have you seen them at any time?—To the best of my recollection, I have never seen any cricket played on Wandsworth Common.

5802. You say that these eight acres were sold in 1856 for 2,000 *l.*; has land there increased very much in value lately in your opinion?—I should think that it has very largely increased.

5803. What rights were conveyed by deed for the 2,000 *l.*?—Whatever rights Lord Spencer had to convey.

5804. What were they?—I cannot give you any better answer; I have told you what Lord Spencer's position is, and I must leave you to draw your own conclusions.

5805. What was the description in the deed conveying the eight acres?—I cannot tell you the contents of the deed; in the first place, it is not in my possession.

5806. Do you know the description of the rights conveyed?—No; I do not.

5807. Do you know whether it purported to be a conveyance of the estate in fee?—No; it was most likely a conveyance of Lord Spencer's interest in the land, whatever that interest was.

5808. You tell us that the parish of Wandsworth does pretty nearly as it likes on Wandsworth Common?—In regard to the digging of gravel.

5809. Does no one exercise any control over the parish?—We do not exercise any control, and I do not know who else can. I suppose the parish exercises control over its own officers. I looked into the question a year or two ago, and I came to the conclusion that we had no power. I gave strict injunctions, however, to the common keepers, to see that the parishes complied with the provisions of the Highway Act; and I made out for them an analysis of those provisions.

5810. I want to know a little more about this common keeper. You say that he has received orders to keep off trespassers; to whom do you refer as trespassers?—I mean more particularly persons of an undesirable description; he has construed it more or less as referring to gipsies.

5811. Did you not say something about people misconducting themselves?—And people misconducting themselves.

5812. What power could you delegate to a common keeper, to turn off a person misconducting himself or herself?—If I have the power to keep off anyone, *à fortiori* I have power to keep off anyone misconducting himself.

5813. Will you be good enough to give me your definition of trespassers?—If you, for instance, were walking across the common I should not expect the common keeper to turn you off; but if he saw a gipsy woman there making a nuisance he would turn her off.

5814. But supposing that there were a gipsy woman there not making a nuisance?—It is generally supposed to be the normal state of a gipsy to make a nuisance of himself.

5815. If I, dressed as a gipsy, went on to the common, would the common keeper turn me off?—We have sometimes allowed the gipsies to remain there from Saturday to Monday. I may have been wrong in making use of the word "trespassers;" my directions to the common keeper were to keep off gipsies, or persons who were causing an annoyance, cutting or burning the furze, or doing anything that was in itself objectionable; there is nothing objectionable in persons walking across the common.

5816. I suppose, then, that his instructions are to prevent persons acting illegally when on the common?—Yes.

5817. Do you conceive that the common keeper has any power, or that you have power to give him instructions, to prevent persons going on that common, provided they conduct themselves properly?—I imagine that no one has any right, in strict law, to go upon that common; people do go on and always have gone on, and no one has objected to it so far as I know.

5818. Have you ever seen a notice board on Wandsworth Common warning persons not to go on?—No, I never have.

5819. Do you know of any person having been prosecuted for going on?—No.

5820. Did you ever hear of any presentment to the homage of a trespass of that kind?—No.

5821. Who are the women you speak of whom the common keeper has instructions to turn off?—They are loose women living on the common, having no other home, who insult and annoy people as they go about.

5822. But if they do not insult or annoy people, the common keeper has no instructions to interfere with them?—I am talking of a class of women who do insult and annoy people; the common keeper must exercise his own discretion as to whether persons belong to that class or not.

5823. Do you mean that he is to form his own conclusion as to whether a women belongs to that class or not, if she is not misconducting herself?—He can judge by her acts.

5824. A woman and a man is not to be turned off?—No.

5825. But

5825. But only a woman who is misconducting herself?—Just so.

5826. What are your instructions?—To turn off women who are misconducting themselves.

5827. Whatever class a woman may belong to, if she is not misconducting herself, she is not interfered with?—Whatever class, socially.

5828. When does the lease expire, for the renewal of which application was made?—In 1870.

5829. Mr. *Shaw Lefevre.*] How many copyholders are there?—About 50.

5830. Have there been any inclosures with the consent of the homage since you have been steward?—I think not.

5831. Have you searched the rolls of the manor in the same careful way as you did the rolls of Wimbledon Manor?—No; I am merely speaking from recollection; but I know that inclosures have been made both with and without the consent of the homage; two years ago I made a search, and I found that to be the case.

5832. Did you find that any of the homage had refused their consent?—Certainly, in some cases they did.

5833. Were all the copyholders summoned to the court?—The court was called in the ordinary way, by a notice on the church doors, and the homage were summoned by special summonses.

5834–5. Do you say that the lord of the manor has the right to nominate those copyholders he chooses to form the homage, and with their consent to enclose such portions as he wishes?—I believe that the custom in this manor has been, when vacancies occurred, for the homage themselves to give in two or three names, from whom the lord selects one.

5836. Is that the custom of Wandsworth and also of Wimbledon?—I believe it is the custom in Wimbledon Manor also.

5837. How many does the homage consist of?—Of seven or eight.

5838. Have you every reason to believe that most of those copyholders have rights of common over the common?—I can only say, that so far as I can make out at present, on a rather imperfect inquiry, the common rights are confined to the copyholders, as amongst themselves; whether any have greater or less rights than others, I cannot say.

5839. But you have reason to believe that most of those 50 copyholders have rights?—Only the reason which I have already given.

5840. Has any application been made by them to Lord Spencer for a portion of the money received from the railway company?—I believe not.

5841. Or did they make any such application to the railway company?—No, the copyholders are often people in business in the neighbourhood, and there is no doubt that they looked upon the railway as a greater advantage to themselves than the common.

5842. Have there been many enfranchisements?—Yes; the tenements become split up into small holdings, so that the number continues much about the same.

5843. Have there been any re-grants of right of common on enfranchisements?—I believe not.

5844. Has Lord Spencer bought up any of the rights of common?—They are always bought up on the occasion of an enfranchisement.

5845. But, except in cases of enfranchisement, he has not bought up any of the rights of common?—No.

5846. Mr. *Cowper.*] You have referred to some instructions given to the common keeper. Are we to understand that you, as a lawyer, contend that the public have no right to go upon the common, and that opinion is consistent with your not enforcing the extreme rights of the lord of the manor, but only giving the common keepers instructions to keep off people who act in an improper manner?—Yes, it appears to me perfectly consistent. I need not insist upon the extreme limit of my rights. Of course, where there are rights of way the public cannot be interfered with, but so far as my knowledge of the law extends, they become trespassers in strict law the moment they get off those rights of way.

5847. Mr. *Cox.*] Notwithstanding that the public may have been in the habit of doing so for the last 60 years?—Yes, I think so; I do not think that such a right as you seem to contemplate could be established.

Jovis, 25° die Maii, 1865.

MEMBERS PRESENT:

Mr. Baillie.
Mr. Buxton.
Mr. Cox.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Alderman Rose.
Mr. John Tollemache.
Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

Sir DENIS LE MARCHANT, Bart., Cl. Dom. Com., Examined.

Sir *D. Le Marchant*, Bart.

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5848. *Chairman.*] WHAT office do you hold in the House of Commons?—I am the Clerk of the House of Commons.

5849. We understand that you wish to make some communication to this Committee with regard to Chobham Common?—I received a summons, and I am quite ready to make a communication, not a very long one, with respect to a partial inclosure which has taken place on Chobham Common; I reside at Chobham Place, which is on the borders of Chobham Common, and is my own property. I bought it about 25 years ago, and it has cost me more than 16,000 *l.*

5850. Did that property at one time form part of the common?—A portion of it, nearly in front of my residence, of about 26 acres, which I was allowed to inclose by Act of Parliament, under the Inclosure Commissioners, several years ago. It had been virtually enjoyed from time out of mind, and in part planted, by the owners of Chobham Place.

5851. Who is the lord of the manor?—Lord Onslow.

5852. Has the property always been in his family?—No, I believe the manor was granted by Charles II. to the Duchess of Cleveland, and at the death of the last Duke of Cleveland of that time it was sold, and eventually was purchased by the then Lord Onslow, and that family has held it for more than 100 years, probably 120 or 130 years.

5853. Have there been many inclosures up to the present time?—I believe only some small inclosures, and those have been made under the homage. They have consisted of one or two or three or four acres in front of houses.

5854. Are you aware of what the rights of the lord of the manor are?—My knowledge of them is very imperfect. The common being very large, I believe that very little attention has been paid to the rights, so long as those rights were exercised with some consideration to the freeholders.

5855. What is the size of the common?—I think about 5,000 acres. It is divided into two parts; the part on which I live is about two or three thousand acres in extent, and then there is a great deal of cultivated ground for a mile or two, and then we come upon two or three thousand acres more, which is called Chobham West End. The portion of the common on which I reside is, I suppose, the larger part; and my house is about two miles from the Sunningdale station, and it is common the whole way. About three or four years ago Lord Onslow let some land for brick earth, upon which a brick kiln was built.

5856. On the common?—Yes, on the common, just at the extremity, near Sunningdale.

5857. Had he a right to do that?—That I cannot say; but I understand, from Lord Onslow's steward, that a gentleman, whose house bordered the brick field, opposed it; but that, as he was not in the parish, and had no common rights, the parishioners did not interest themselves in his opposition.

5858. Do you say that he had no rights of action?—I do not know whether he had a right of action; but he did not proceed with his opposition.

5859. He was not a commoner?—I understand he was not; nor had he connection with the parish. A brook divides the parish of Chobham from the parish of Sunningdale. He did not live on the common.

5860. You are not aware what the rights of the lord are?—No.

5861. Do you know what rights he has exercised?—I know what rights have come under my knowledge, and which he has exercised. About two years ago he leased some additional land, to the extent, it was said, of 10 acres, for this brick field, at the very edge of the common, near Sunningdale, and one or two cottages were built there; this rather frightened myself and one of my neighbours, and we bestirred ourselves about it; but from what we heard we thought that Lord Onslow would not think of coming nearer to Chobham or nearer to our houses. I have not the honour of knowing Lord Onslow personally; but his only son, who died a few years ago, I knew intimately, and I did not think that Lord Onslow was likely to do anything seriously to incommode me.

5862. Have there been any other encroachments upon the common that you are aware of, besides this brick kiln?—Not that I am aware of. Grants of land, I presume, are not encroachments, because they were made in front of different cottages, and, I presume, with the consent of the homage.

5863. Have those been inclosed?—Yes.

5864. Have

5864. Have you any complaint to make against the course which is being pursued?—Yes; the complaint I have to make is this, that a few days before the meeting of Parliament I saw some persons digging pits between 100 and 200 yards from my gate. This was on the high road to Sunningdale station, which I pass, and I consider it as the chief entrance to my grounds. The pit that I saw was within half a dozen yards of the road. Being rather alarmed at this, I asked the people what it was for, and they told me that they were trying the land to see whether it would do for bricks. Some of my neighbours treated this as rather a mysterious affair; I said, however, that I was quite sure Lord Onslow would never dream of putting a brick kiln so near my house, and I did not give myself much trouble about it until I saw more pits, and then, upon further inquiry, one of the persons employed there told me that a brick maker had taken a lease of five acres of land from Lord Onslow on that very spot, and that he was going to build cottages for labourers and a kiln. Now we have a kiln, which was built, as I understand from Lord Onslow's steward, on the other side of the road, nearly a mile from my house, and even at that distance, when the kiln is at work, which happily for me seldom occurs, because they do very little business, the stench on a hot day is really insufferable; I never experienced anything more disagreeable. I dreaded the idea of this brick field and brick kiln, and I wrote to the steward about it, and the steward's answer to me was, that Lord Onslow had let some five acres, but that it was not yet staked out, and that when he did stake it out it would not be in such a locality as to give me any inconvenience. Upon that I did not trouble myself further about it; I came up to London, and afterwards hearing that they were going on, I wrote to the brick maker, telling him that he must stop, or I should take legal proceedings. His attorney wrote to me that, in making this lease, Lord Onslow only exercised his just rights under the Statute of Merton.

5865. Have you the letter which was written to you?—Yes, I have the letter from the solicitor, which, with your permission, I will read, as it is very short: "Windsor, 18th March 1865. Dear Sir,—The lessees of the ground forming part of Chobham Common are Messrs. Horwood, of Waltham St. Lawrence, and they are clients of ours. Lord Onslow is lord of the manor of Chobham, and consequently the freehold of the common is in him, and under the Statute of Merton he has a right to approve against the commoners. We understand the reason the site in question was leased was, that brick earth existed there in considerable quantities and of good quality. On reference to the statute, and considering the enormous extent of the commons, we think you will come to the conclusion that Lord Onslow, in granting a lease of the land, has acted according to law. We are, dear Sir, your faithful servants, Darvill, Darvill, and Last. Sir Denis Le Marchant, Bart., Speaker's Court, House of Commons."

5866. What legal objection do you raise to Lord Onslow's letting the land?—My legal objection is, that though by the Statute of Merton, and I suppose by the common law, Lord Onslow has a right to approve, that is, to take in portions of the common, he is obliged to leave sufficient to the tenants, both for pasture and for turbary, and thus it becomes a nice question whether such a sufficiency is left for the tenants.

5867. That letter assumes that there is enough left?—Yes, it does. That, however, is a nice question of law, and I have reason to believe that there is a difference of opinion among legal men as to the quantity of land that the lord should apportion; and as to turbary, they say that the lord has no right to approve, unless sufficient is left for the tenants of the manor; and that where there is an ancient messuage (as in my case, my mansion being at the very least some 250 years old), the occupiers of which have enjoyed for many years the right of turbary they hold by prescription, and I am told that the lord cannot insist upon inclosing land very near such ancient messuage, so as to drive the occupiers to a distance for their turf.

5868. Are you aware of any decision upon that point?—I am aware of a dictum upon it. In Arlett against Ellis, which is in 7 Barnewall and Cresswell, page 346, I find Mr. Justice Littledale (a great real property lawyer) said:—"The lord ought to have shown, not merely that there was a sufficient quantity left upon the waste, but that the turbary left was such that persons who have the right may conveniently get at it; for it makes a great difference to a commoner, whether he has to go only a quarter of a mile for his turves, or two or three miles." The point which I dwell upon very much is this: there is no doubt that Lord Onslow has inclosed certain portions of land with the consent of the homage. In this particular case Lord Onslow never would have ventured to apply to the homage for permission to make this brick field. I do not think that there is a man in the parish who would have voted for it.

5869. Of how many persons is the homage composed?—Of the free tenants of the manor.

5870. How are they summoned?—I do not know that they are summoned; I believe that notice is given upon the church door.

5871. Have you ever attended one of the meetings?—No; I believe it is very seldom that any Court is summoned whilst I am in the country.

5872. Are you aware of the number of commoners that there are?—There must be a great many; at least, all persons in the parish paying rates exercise, I understand, the rights of pasture and turbary.

5873. You know nothing distinctly about it?—No.

5874. Nor do you know of how many the homage is composed, nor where they meet?—I know generally what they do; but I believe the steward is here, and he will be able to give you the information. I ought to say that the damage done to me in this case by inclosing the five acres is of a very peculiar character. I cannot go out of my grounds without coming upon this brick field.

5875. Do you think that it is actionable?—I say it is a nice point; but, of course, an action of this kind is a very serious and expensive affair.

5876. If the remedy is not pursued by action, what other remedy would you suggest?—As to myself, I am not aware that you could give me any remedy; I must look to the law for redress; but I think you might prevent the repetition of what I think is a very gross act of oppression; I think there is a defect in the law which ought to be remedied. The value of

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my house depends very much upon what the French would call the amenities of the place. I live on the borders of the common, and I venture to say that the view over that part of the common where my house is, is one of the most beautiful in England. The late Lord Carlisle told me that in all his travels, in America and elsewhere, he did not think he had ever seen so fine a view, certainly not a finer view, than that within 200 yards of the spot where they propose to place this brick kiln. There is no doubt that the value of my property will be considerably depreciated if these works should proceed.

5877. Does not this occur every day, not merely with commons, but with other places, that a person builds something in the neighbourhood of another residence which is very unsightly, and is not the simple question whether he has a right to do it?—There is this difference: if I buy an estate in an inclosed country, I know that my near neighbour may build a row of houses or a kiln on his own land, so as greatly to inconvenience me, but here the adjoining land is not the exclusive property of my neighbour. It is common, and as such held by the lord, subject to the rights of the commoners; and both as a commoner and the owner of an ancient messuage, my relation to the lord is not that of a mere stranger. The land in question would be allotted to me in the event of an inclosure; the lord is not at liberty to deal with it in a manner most injurious to me, except on conditions which I contend have not been fulfilled. This is very different from the ordinary case you have put.

5878. You did not anticipate that a brick kiln would be put there?—No.

5879. As to whether or not Lord Onslow has a right to put it there you have no distinct opinion?—I may have my own opinion, but I thought that my evidence was not wanted on that point; but as this Committee was sitting generally upon the state of the law, it seemed a good opportunity of bringing before them what appears to me and many others a very strong case. Supposing that the law were altered ever so little, so that the lord of the manor should be obliged, before he made any inclosure, to give notice to the parties whose property would be deteriorated; that would be some protection, because in this particular case I would have willingly (to be rid of all trouble) have paid to Lord Onslow the amount that this man undertakes to pay, which is only 5*l.* an acre.

5880. Mr. *Doulton.*] Have the five acres been allotted?—No, they have not been allotted; but Lord Onslow says, that under the Statute of Merton, and by the common law, he can give to this brickmaker a lease of five acres on the common. The practice, I believe, is for the steward to stake out the five acres. I interfered the moment I heard of it, and the steward assured me by letter, that the land should not be staked out where it would incommode me. Afterwards he said that he was bound by the lease, and could not help me.

5881. Do you say that the homage was not called together?—I have no doubt that it was not, but I cannot say of my own knowledge.

5882. You received no intimation of the intention to inclose?—None. I was never more surprised in my life than when I heard of this brick field being opened. I said I was sure that Lord Onslow would not do such a thing.

5883. Do you say that the proceedings commenced under the old Statute of Merton?—That I can only state from the letter of the attorney of the brickmaker, that is to say, of the lessee.

5884. Has the manufacture of bricks commenced?—I am not quite certain of that. I believe it has, but the kiln is not built. They have there a most unsightly mass of yellow earth which is raised up at the side of the road.

5885. Are there any buildings progressing in the neighbourhood, or do they contemplate building on the common?—I do not know that they contemplate building. There are buildings at Sunningdale, which is about two miles off.

5886. Do you imagine that the bricks manufactured are to be used in the immediate neighbourhood?—I suppose they will be used wherever they can get the best price for them.

5887. But so far as you know it is not contemplated to erect buildings upon the common?—Not on the common, I believe. I am assured by the brickmaker that the brick earth very near my gate has some most extraordinary qualities for the manufacture of bricks, but no one ever found this out before. If the lord has the right he claims, it virtually gives him a power at once to fine any tenant of the manor who happens to have a very good house on the common; it enables him to fine the tenant a large sum of money, because the latter must make a sacrifice to remove so great a nuisance, unless he is able to do so by legal proceedings.

5888. Mr. *Shaw Lefevre.*] What is the extent of your estate adjoining the common?—I have given about 40,000*l.* for the property; the area is only 600 acres, but I have also a portion of the great tithe.

5889. In respect of that estate you claim rights of common over the common?—Yes, of course; I have 600 acres.

5890. Supposing an inclosure takes place under the Inclosure Commissioners, and according to the usual mode in which such proceedings take place, you would be entitled to a considerable allotment of this common?—Yes.

5891. Probably many hundred acres?—I was told that I should have several hundred acres. That apportionment would probably be immediately adjoining your own ground?—I believe that is the invariable practice.

5892. If an inclosure took place in the usual way you would be spared this annoyance?—Yes; the brick maker told me jestingly that if any inclosure took place this land would be allotted to me, and that the brick field, when laid out, would form very handsome terraces, which I might inclose in my park.

5893. The fact of inclosing under the Statute of Merton is to enable the lord of the manor to pick out any particular spot for an enclosure without reference to the persons having land adjoining?—That is the principle upon which this inclosure is made.

5894. Your objection is, in fact, to the Statute of Merton?—It is. I cannot tell what the collateral rights of lords may be.

5895. Supposing a sufficiency of common to be left to satisfy all persons having common rights over it, Lord Onslow would, at law, be entitled to do what he has done?—I suppose so.

5896. But on the other, supposing that there be not a sufficiency of common left, you would have your remedy at law against him?—I consider so.

5897. If you had no such remedy your objection

tion is to the Statute of Merton, which has enabled him to take this particular spot?—Yes.

5898. If that be good law, he might inclose this spot to build a row of houses upon?—That is what I was told. The people I saw digging there said that he intended to build some cottages for nine men, who are at work there.

5899. You think that some alteration should be made in the Statute of Merton, to secure those who have rights of common from proceedings of this nature?—I do.

5900. Have you considered what alterations in the statute should be made?—That is a nice point, and the lords of the manors, who are a powerful body, of course, would resist any encroachments upon what they considered their rights.

5901. Do you think that it would be any real exclusion of their rights if it were provided that there should be no inclosure without coming before the Inclosure Commissioners?—That might be done; and perhaps the Commissioners might have power to give costs in cases of unfair or unreasonable opposition. It would be hard upon the lords of the manors to throw upon them the whole of the burden in cases of unreasonable opposition by a tenant.

5902. Is there any mode that you can suggest for providing that there should be no inclosure except by coming before the Inclosure Commissioners?—I think that the inhabitants should be allowed a voice, or increased powers should be given to the homage.

5903. Have you considered the question, whether, where the custom of the manor exists for the homage to be consulted, such a custom is good against the lord of the manor?—I have not looked very much into it.

5904. From the evidence which you have given, I take it that there is a custom at Chobham to inclose with the consent of the homage, and that these small inclosures have been made with their consent?—Yes.

5905. Is your property copyhold?—No; I believe it is freehold.

5906. Would such a custom be good against you?—I have not considered that point.

5907. Have you any reason to believe that there is a sufficiency of common left for the commoners, after taking away this ground for the brick field?—That is a nice point. There is no doubt that, so far as pasture goes, the portion which the commoners can enjoy is very small, for although the common is so large, I do not think that I ever saw more than four or five cows at the same time upon it. I am told that Sir Humphry Davy, who used to live at Egham, was in the habit of saying that the land on Chobham Common was the worst in England.

5908. I suppose that very little of it would be worth inclosing?—Very little of it could be inclosed; I have about 20 acres, but I have done nothing with it except to plant it; generally speaking, if you dig three or four feet down, you come to a pan, which is about a foot thickness of pebbles; then there are long veins of clay, and it is this clay, some of which, unfortunately for me, is found in the neighbourhood of my grounds.

5909. Mr. *Lyall.*] Do you say that the lord of the manor has let this piece of ground?—For seven years to a brickmaker.

5910. Before you were aware of it?—Yes.

5911. Mr. *Tollemache.*] Do you consider Chobham Common to be of great importance to the public?—It is a common of considerable extent, and I think that in time of war it might be of importance to the public. The late Lord Herbert informed me that it was the intention of the Government to form a permanent camp there, as it was very favourable for military evolutions. This threw me into great alarm at the time, but fortunately for me, Lord Hardinge visited Aldershot, and the plan was changed. In 1803 there was a permanent camp at Chobham, which was visited several times by George III.

5912. How far is the railway from the common?—It goes partly over the common to Sunningdale; at present, I think, there is very little of the land which could be turned to any useful account; but years hence, I daresay, when the cultivation of land is better understood, and steam ploughs are more used, it might be made useful.

5913. I ask whether you consider it valuable to the public as an open place. From Manchester large parties frequently go a considerable distance, 20 or 30 miles, for purposes of recreation; do parties go in the same way from London to Chobham?—No. I think that until the camp was formed at Chobham the locality was as little known as the Highlands. When I first went there, 30 years ago, they told me that till lately there had been no coach through the village, and that the preceding clergyman, who was a very worthy man, was very much alarmed when he heard that a stage coach was coming.

5914. Now it is of easy access?—Yes. It is now between two railways. On the one side is the railway from London to Reading, and on the other the railway from London to Southampton. That is five miles off, but it is only divided by Woking Common.

5915. Considering the easy access to the common, and the increase in the population of London, do you think that Chobham Common may become of value to the metropolis?—I do, considering that the common is within 24 miles of London, and that the speed of travelling is constantly increasing. I know that at Sunningdale houses are built with a rapidity which is incredible.

5916. You think that ultimately the common may be made use of with great advantage, as a place of recreation, for the inhabitants of the metropolis?—Yes. I think that as many intervening commons have been inclosed, the inhabitants of the metropolis are not unlikely to go there for recreation.

5917. Although part of this land at Chobham is of this inferior description, I suppose that some parts are more valuable?—Sir Roderick Murchison told me that the land of the common is very different from the land in the valley. I hold 600 or 700 acres of land, some of which is good land.

5918. You have inclosed a part of it?—About 27 acres; but that land is perfectly useless.

5919. Was that inclosure made with the consent of the lord of the manor?—No; by the Inclosure Commissioners.

5920. I suppose that the rights of the lord of the manor are valuable, especially under the Statute of Merton?—I think they are not considered of much value. The lord of the manor never found out their value until he let this land for brick making.

5921. Do you think that the rights of the lord of the manor could be purchased if a portion of the common were inclosed for that purpose?—I should

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should think so; but the steward will be better able to give you information upon that point.

5922. Do you think that such an arrangement as that might be of great value hereafter to the public?—I do.

5923. Mr. *Cox.*] Was this property that you purchased part of the manor of Chobham?—A very small portion of it was part of the common, but I had the manorial rights over it, which were sold 80 years ago by the lord of the manor to the person under whom I claim.

5924. When you bought your property you bought it free of the manorial rights of the lord over it?—Yes.

5925. You say that the making of a brick field close to your property would be putting power into the hands of the lord of the manor to sacrifice tenants whenever he pleased?—Yes.

5926. We have heard a great deal about the Statute of Merton; I will ask you a few questions of fact arising out of that statute. Chapter 4 is in these terms: "Also because many great men of England (which have unfeoffed knights and [others] their freeholders of small tenements in their manors) have complained that they cannot make their profit of the residue of their manors as of wastes, woods, and [common] pastures, whereas the same feoffees have sufficient pasture as much as belongeth to their tenements." Allow me to ask you do you know whether the great men of England in that part of England, this Noble Lord of whom you speak, has complained that he cannot make profit of the residue of his wastes, woods, and pastures?—I rather infer from what he has done that he does not consider that he has made profit enough of the land, or he would not have leased ground for a brick field.

5927. Can you tell us whether the feoffees, who I assume would be tenants of the manor, have as much pasture "as belongeth to their tenements"?—That really is quite a legal question. I have always understood that every person who pays rates has a right of common, and the population is rather more than 2,000.

5928. The great man has complained that he does not make profit enough, and it being assumed that the feoffees have as much as belongeth to their tenements, the Statute of Merton says: "That whenever such feoffees do bring an assise of *novel disseisin* for their common of pasture, and it is acknowledged before the justices that they have as much pasture as belongeth to their tenements, and that they have free ingress and egress from their tenements into the pasture, then let them be contented therewith." Are you aware whether in any case of inclosure like Chobham, there has been any prevention of free ingress and egress of any of the tenants of the manor?—I am not aware that there is; the inclosures have been small.

5929. Do you imagine that if this brick field that you have told us of, immediately adjoining your place, be made, it will interfere in any way or shape with your free ingress and egress with that of any other tenant of the manor?—It will interfere so far as this, that I cannot cross where that brick field is. If I wanted to cross that portion of the common, which is about five acres, I suppose I should have a difficulty of doing so, in consequence of the holes that are there; but still I think that that is a legal point.

5930. We are contrasting a statute passed in 1235, with the customs and manners of the present day, and I want to see how far the Statute of Merton is being carried out at Chobham?—It is so many hundreds of years since the Statute of Merton, that you must make some allowance for the alterations. There were no brick kilns, and I dare say no land was bought for its beauty at the time the Statute of Merton was passed.

5931. Do you know whether, prior to the leasing of the five acres, it was acknowledged before the justices that the tenants had as much pasture as they required for their tenements?—No, it was never acknowledged at all; the point has not been raised.

5932. You do not know whether the tenants have alleged "that they have not sufficient pasture, or sufficient ingress and egress, according to their hold?"—I do not.

5933. Do you know whether either of these questions has been inquired into by assize?—I should say certainly not.

5934. You say that these things have been done under the Statute of Merton, and I was asking you whether you think things have been done which the statute says should be done?—To my knowledge they have not.

5935. Then, not knowing whether there has been an assise to find whether sufficient pasture has been left, or sufficient ingress and egress, according to the holds, you cannot tell us anything about it?—No.

5936. As I understand, you, as one of the tenants, have never received any intimation that an assise was to be held for the purpose of making this inquiry?—No; I never received it, and never heard of the question being raised, in fact; I believe some lawyers hold that the Statute of Merton is only declaratory of the common law. I wish to add that I do not want to give pain to Lord Onslow, nor do I bring any charge against him; his Lordship's daughter wrote to me to say that he was 88 years of age, and could not attend to business, and that everything is left to his steward. I only complain of the act done by the steward.

5937. Your objection is to the state of the law?—It is.

Mr. Thomas Russell, called in; and Examined.

Mr. *T. Russell.*

5938. *Chairman.*] Are you the Steward of Lord Onslow?—No; I am partner of the steward, and frequently conduct his business. I attend for him to-day, as he could not possibly come.

5939. Is Lord Onslow lord of the manor?—He is.

5940. What do you consider his rights to be; are they the ordinary rights of the lord of a manor?—I believe so.

5941. We have heard to day that Lord Onslow has granted a lease, for seven years, of a part of Chobham Common?—I believe it is for 10 years.

5942. He has granted a lease of a portion of the common to a person who has erected a brick kiln, and is making bricks?—Who is about to do so.

5943. Have any bricks been made?—No, I believe not.

5944. Do you consider that the lord of the manor

manor has a right to do that?—It has been assumed to be his right for many years past.

5945. Have you ever made any bricks before?—Yes, in several instances; and several leases have been granted.

5946. On several parts of the common?—Yes.

5947. Under what Act of Parliament, or by what law does he grant leases?—I take it that it is under the Statute of Merton and by custom.

5948. You, being a partner of the steward, can inform us what course you pursue in acting under the Statute of Merton?—We merely receive our instructions from his Lordship's bailiff.

5949. You do not summon the homage?—Not to grant leases.

5950. You do not make any inquiry of the commoners?—No.

5951. You simply grant a lease to some one who chooses to take the land, and make bricks, or you grant a lease to some one who will use it for agricultural purposes, and you take that portion out of the common and inclose it?—No; it is only for the purpose of digging brick earth.

5952. Is the land inclosed?—No, it is not inclosed; the lease contains a covenant that after the earth has been dug out, the land shall be laid down in permanent pasture.

5953. Am I to understand you to say, that there have been no inclosures?—There have been no inclosures that I am aware of, except with the consent of the homage, of small strips of land in front of copyholders' houses.

5954. This piece of ground near Sir Denis Le Marchant's property has been let, you say, for a period of more than seven years?—I think for 10 years.

5955. Has nothing been done upon the ground?—I believe they have only tried it for brick earth.

5956. How much have they dug out?—They have dug several holes.

5957. Then they have taken something out; how much have they carted away?—I do not know.

5958. Mr. *Kinnaird.*] Has not brick making, to some extent, been carried on at the request of the inhabitants?—I do not know.

5959. Mr. *Cox.*] Do you know anything about the proceedings that took place prior to the granting of this lease?—Yes; I believe I know them all.

5960. What steps did you take as regards the "Assise of *novel disseisin*?"—None whatever.

5961. Have there been any presentations to the lord as to the sufficiency of the pasturage?—None.

5962. Or has any Court Baron been held?—No.

5963. No presentments have been made to the homage?—No.

Mr. *T. Russell.*

5964. Or by the homage?—No.

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5965. What was done, was done under the Statute of Merton, as interpreted by the lord?—I do not think that I may answer that directly; the lord assumes that he has a right to approve, or at any rate for this purpose to dig brick earth.

5966. *Chairman.*] It appears, according to Fifth Viner's Abridgment, 7, 39, that the lord of the manor may dig brick earth?—That is what we understand the law to be.

5967. Mr. *Cox.*] Did you hold this Assise of *novel disseisin*?—No; I am not sure that the lord claims this right to dig brick earth under the Statute of Merton.

5968. Under what law, in your judgment, does the lord claim the right to brick earth?—He says he has a right to dig earth, and that he has a right to the mines and minerals, so long as he does no more harm than is necessary to the herbage.

5969. Does the lord claim the right to erect buildings?—No.

5970. If he has the right to brick earth, has he a right to erect a kiln in order to convert that earth into bricks?—I am not aware of any instance in which he has done it.

5971. Mr. *Kinnaird.*] You think that he would have no such right?—I think I must not say that.

5972. Mr. *Doulton.*] The ground upon which he has omitted to proceed in the ordinary way, or by calling the homage together is, that he does not consider this an inclosure at all?—Certainly not; there is no intention to inclose.

5973. Mr. *Shaw Lefevre.*] I understand you to say that it is intended to dig brick earth, and then to restore the land to the common?—Yes, and to lay it down in permanent pasture.

5974. Mr. *Baillie.*] How can the brick earth be converted into bricks without erecting a kiln?—It may be burnt in clamps. I understood the Committee to ask what was the number of commoners. With reference to that, I may say that there are 114 tenants of the manor; and of those, 59 are copyholders, 48 freeholders, and seven leaseholders. The tenants have the right of turbary for their own use.

5975. *Chairman.*] And pasture?—Certainly.

5976. Mr. *Doulton.*] In granting the five acres, have you considered the question whether sufficient is left for those tenants?—I have very little doubt of it. We consider that the quantity is 8,000 acres of waste. Bray and Manning say 11,000.

5977. Mr. *Shaw Lefevre.*] What is the size of the manor?—It is supposed to be of the same extent as the parish, but I do not know what the acreage of the parish is.

William Tayler, Esq., called in; and Examined.

5978. *Chairman.*] What are you by profession?—I am a Barrister.

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5979. I believe you reside at Barnes?—I do.

5980. Have you given your attention to the consideration of the rights of the lord of the manor, and of the commoners of Barnes Common?—I have had great opportunities of doing so, from being one of the conservators of the common.

5981. Will you state shortly the history of Barnes Common?—The manor of Barnes is extremely ancient, in fact it was given by King Athelstane to St. Paul's, and it has remained in the hands of the dean and chapter for more than 1,000 years. They are even returned in Doomsday Book as the lords of the manor of Berne, as it is there called. The court rolls, however, earlier than the 11th of Henry VI. were destroyed with the old cathedral by fire in 1666. Sir Francis Walsingham, secretary to Queen Elizabeth, possessed the interest in this

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estate as lessee, and resided at Barn Elms in 1589, where he frequently entertained her Majesty.

5982. How long do you recollect Barnes Common?—I have been well acquainted with it for 20 years, but have not been resident on my own property except since 1858. I have known the common, and everything belonging to it, and have taken great interest in it, as one of the most picturesque, and one of the very few that remain near London.

5983. What is the size of the common?—I observe, in the evidence which has been published, as given before your Committee, that it is put down at 50 acres, which is a very great mistake. It is now about 120 acres. I arrive at those figures from there having been a suit in Chancery in 1858, arising out of some compensation money which was paid by the Richmond Railway Company, in the course of which suit an affidavit was filed stating that the common was 135 acres in extent, which I take to be correct; and if you take away the 13 acres appropriated by the Railway Company, there would be, of course, 122 acres left. In 1854 the Dean and Chapter, aided or empowered by the Church Building Acts, granted two acres of the common for the purpose of a cemetery. That reduced the common to 120 acres, as near as may be. It is very important that that mistake should be corrected.

5984. Have there been any encroachments upon the common lately?—There have been very considerable encroachments; the first being those that were made by the railway company.

5985. When was that?—The Act of the Richmond Railway Company was passed, I think, in the year 1845.

5986-7. Then came the Windsor, Staines, and South Western Railway, commonly called the loop line?—Yes.

5988. What do you say was the extent of land taken for the purposes of the railway?—About 13 acres.

5989. In addition to that was there a grant made by the lords of the manor of two acres, in 1854, for a cemetery?—Yes.

5990. Was a large amount of compensation given by the railway company, which was paid into the Court of Chancery in 1858, in a suit which was instituted by a person whose interest was ultimately declared to be 11*s.* 7*d.*?—That was so.

5991. And was a sum of 4,000*l.* divided, after paying the costs, 1,288*l.*, among the copyholders declared by the court to be entitled, 61 in number, in right of their possession of land in the manor?—That was so.

5992. You say that Lord Lonsdale received 565*l.* 14*s.* 7*d.*, and that four others received 256*l.* 10*s.* 1*d.*, 147*l.* 6*s.* 4*d.*, 241*l.* 0*s.* 10*d.*, and 273*l.* 10*s.* 2*d.*; but that not one shilling was given by these parties, or by the Court of Chancery, for the protection or the improvement of the common?—That is the fact.

5993. The copyholders came in with their claims upon the railway company, and those compensations were paid?—Yes.

5994. In what form did the copyholders appear?—The suit was instituted on behalf of Phœbe Marsh, the person who received 11*s.* 7*d.* It was carried on against the conservators of the common for the time being, and was prosecuted before the Court of Chancery, and the decision was given, after a long lapse of time, by Sir William Page Wood, the Vice Chancellor, who declared that the copyholders of the manor, in right of their possession of land appurtenant or connected with the manor, should have the money divided amongst them.

5995. Was this for the 13 acres which were taken by the railway company?—For the 13 acres; the effect of which was that they took large sums of money, as I mentioned, and to my astonishment, nothing was either claimed or ordered for the benefit of the common, a course which I hope this Committee will, if possible, prevent in future.

5996. Nothing was done to keep the common in a proper state?—We have no means, except from the sale of turf and gravel, and what is called "hogging."

5997. Have you any complaint to make against the Hammersmith Bridge Company?—In my judgment there are serious complaints. By their first Act in 1824, they obtained power to dig and take gravel for the purpose of their roads and paths across the common, but inserted in the Act, by a very wise precaution, was the necessity to obtain from the Dean and Chapter a license in writing so to do. When I came into office in 1861, I found the digging of gravel by the Hammersmith Bridge Company extremely prejudicial, because it took away turf from the surface and left pits, which were, in a sanitary point of view, very mischievous. I therefore urged upon my brother conservators, that we should endeavour to stop the nuisance.

5998. Did they take as much as 200 or 300 loads a year?—Yes, for many years.

5999. And they paid nothing for it?—They paid nothing.

6000. Does the same objection apply to the road surveyors?—Yes; I thought it desirable to address the directors, some of whom I personally knew, and I did so. We did not put it quite as a matter of right, but as a matter of courtesy, that they would desist from this practice. They closed all further necessity of application to them by adducing another Act of Parliament, in which the Legislature, in their power, repealed the necessity of any application to the Dean and Chapter; the effect of which is that the common is entirely at their mercy. Applications have also been made to the District Highway Board to desist from taking gravel from the common, but unsuccessfully.

6001. What is the Act?—It is a further Act of the Hammersmith Bridge Company, passed on the 23d May 1828, the 9th of Geo. 4.

6002. Mr. *Lyall.*] Do you know the history of the Act?—No; I have applied to Mr. Hodgson, the solicitor acting for the Dean and Chapter, to ascertain how such a valuable restriction could have been permitted to be withdrawn, but he is an old gentleman, and he says he does not recollect much about it.

6003. *Chairman.*] Was an attempt made to carry a line from Hammersmith to Wimbledon?—Yes, in 1863.

6004. Was that attempt defeated?—It was, by the united energy of the inhabitants on its intended route, because it would have destroyed many residential properties, and have ruined the common, as its course was across the centre of the common.

6005. In what part of the common do the present railways cross it?—Not inconveniently,

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in my opinion; they run at the edge of the common, near the Upper Richmond-road.

6006. They are not so bad as that would have been?—No; subject to what I may have to say upon the subject of re-sale of some of the land by the railway company, I think the railway is rather a benefit.

6007. As to the lawless condition of the common in past years, what have you to say?—Prior to 1861 the state of the common was beginning to be a dreadful nuisance. Instead of being, as you find it now, a beautiful place, it was becoming a nuisance, because no ladies or children could walk about upon the common without being annoyed by tramps and gipsies. I have seen 20 vans on the common bringing in their train diseases, such as small pox, which were very dangerous to the neighbourhood, and the nuisance grew to such a pitch that in 1861 it was resolved, if the power existed, that it should be put a stop to.

6008. What course did you adopt?—Several gentlemen in the neighbourhood entered into a combination, and formed a committee. We raised subscriptions among ourselves, and appointed an ex-police sergeant as an assistant common keeper. We had very great difficulty at first, but by use of our powers and energies we have met with immense success, for there is not now a single tramp to be seen upon the common.

6009. Do you find a difficulty for the want of established and reliable funds in dealing with the various encroachments of persons turning out their cattle in excess upon the common?—That is one of our great difficulties now.

6010. How do you suggest that that should be remedied?—In my humble judgment, it is easy to suggest a remedy. So far as Barnes Common is concerned, the funds, however, are miserably inadequate. I do not know how it may be on the larger commons.

6011. What do you suggest with regard to Barnes Common?—Either a general rate or a parish rate. In that case conservators or protectors of each respective manor or common might be appointed; the office would be honorary. As an element of power it is indispensable that the lords of manors should furnish those gentlemen with the customs of the manor, and they should also have enabling powers, under any Act of Parliament that the Legislature might pass, to empower them to carry out the powers given to them. Of course a subject of such immense importance would require mature consideration, which it will doubtless receive at the hands of this enlightened Committee. That appears to me to be the first principle of action.

6012. In addition to the rate you speak of, would there be any other resources at the disposal of the Conservators, or have they none but by the sale of turf and gravel?—On our particular common the amounts so received are the only resources we have for carrying out any kind of improvement.

6013. Those means you find inadequate?—Totally.

6014. What is the amount that you annually receive?—Since 1858 to 1862 the average receipt has been 23 *l.* 18 *s.* 5 *d.*

6015. Does that arise from the sale of turf, gravel and loam, which the inhabitants have had in moderate quantities?—Yes.

6016. Does that apply only to the inhabitants of the parish?—The inhabitants and copyholders.

6017. Do you disburse the amount you receive in paying a common keeper 10 *l.* a year, in repairs of fences and other matters of that kind on the common?—That is the way in which we dispose of it.

6018. You say that without private subscriptions you would not have adequate funds?—We should not.

6019. You propose that, instead of the private subscription, a rate should be levied by the parish or the Metropolitan Board of Works, and that the Conservators should have entrusted to them the amount raised by that rate and the management of the common?—Just so; that is by a parish rate for commons within a parish, or a general metropolitan rate for commons generally.

6020. Do you consider Barnes Common a very advantageous place, so far as regards the recreation of the inhabitants of the metropolis?—I consider it one of the advantages belonging to the metropolis. All gentlemen present know how beautiful it is, and that it and the neighbouring commons of Wimbledon and Clapham are the very lungs of this huge metropolis.

6021. Is the common used for purposes of recreation, such as cricket and games of that sort?—There is a green, a very ancient place, for playing cricket.

6022. What is the distance of Barnes Common from Hyde Park Corner?—Five miles.

6023. Where is the green you speak of?—At the lower part of the common, close to the village of Barnes.

6024. Do you think that there exists a necessity for some Parliamentary legislation for the protection of commons and open spaces near the metropolis, so as to prevent their continued spoliation?—I think it most desirable.

6025. Is the mode that you have just suggested one which you think the Legislature should sanction, in the case of Barnes Common?—My impression is, that it would be attended with the greatest possible advantage.

6026. Do you consider it likewise applicable to other commons?—Yes, it was that general view that induced me to mention it to this Committee; they are all gradually being encroached upon by every possible means.

6027. By whom, in your opinion, should the Conservators be chosen?—That is a very important consideration. I think that the lord of the manor, and possibly also the copyholders, should be represented; and, if thought necessary, there might be a Government referee, though, perhaps, that would cause some jealousy.

6028. Would you vest in those Conservators the power of determining what are the rights of the copyholders?—That is a difficult question. Everyone who is at all acquainted with the course of proceedings in connection with copyholds must know the great expense it entails. If an inexpensive mode of appealing to the magistrates, or even to the county courts, whose decisions should be final upon all matters except those of title were adopted, my impression is that it would work great good.

6029. Your view proceeds upon the assumption that a lord of the manor does not wish to inclose; if he does, he will hardly leave everything in the hands of Conservators. Have you considered the best course to pursue in cases in which the lord of the manor wishes to make the most of a common by inclosing it?—That is a point well worthy

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of consideration; but so far as my knowledge and experience extends, lords of manors have not shown any desire to inclose commons.

6030. Have you read the evidence which has been given before this Committee of the sums of money derived from selling portions of Wandsworth Common?—I am aware of that.

6031. Do you imagine that the lord of a manor would put it into the hands of Conservators to look after it, and to see that nuisances are not allowed to exist upon it?—The rights of lords must be observed, of course. If they have the power to inclose commons, nothing can take it from them except an Act of the Legislature.

6032. Where the lord wishes to exercise his rights, do you think that it would be an advantageous course to purchase those rights and place them in the hands of conservators, or some public body to be specially appointed to preserve the common for the benefit of the public?—The great difficulty I see in that is the financial one; it would be a very costly process.

6033. Would it not be possible to purchase the rights of the lord only, leaving out of consideration those of the commoners, thus giving to the conservators the right of preventing inclosure?—*Primâ facie* that seems a very excellent idea, but you would have a multitude of rights to deal with. Look at the instances I have mentioned of the Hammersmith Bridge Company and the Highway Board; they come upon Barnes Common *nolens volens*, and help themselves.

6034. But those are peculiar circumstances, are they not, with regard to Barnes Common?—Perhaps so.

6035. Of course it would be less costly to purchase the rights of lords only, than to purchase those and also the rights of commoners?—No doubt.

6036. No common can be inclosed without the consent of the lord?—No.

6037. If you purchase his rights you may keep the common?—That is an admitted fact.

6038. Mr. *Doulton.*] What is the value of the rights which the lords of the manor exercise over Barnes Common?—Quâ the common they are of little value; but in the shape of fines for renewals of property in its vicinity the sum received is enormous.

6039. What is the revenue?—I have no means of forming an opinion upon that.

6040. From what sources is the revenue derived?—From fines upon death or alienation; fines imposed to the extent which the law allows.

6041. You are speaking now of the manor?—Yes.

6042. But what is derived from the common?—Nothing whatever but the small sums which are allowed to us for the management of the common.

6043. Have there been any encroachments of late years for the purpose of building houses?—I do not think that much has been done in that way. In the first place, 13 acres were granted to the Railway Company.

6044. Have they re-sold any of that?—They have. In 1853 they sold to one person, for 870*l.*, four acres two roods, they themselves having paid about 200*l.* an acre, and to another person two acres.

6045. Did they re-sell the land without reference to the rights of commoners?—I apprehend so.

6046. They took 10 acres, but used for the purposes of the railway only six?—The effect was to diminish the extent of the common with no advantage to themselves; probably in these days the superior intelligence of committees would not allow such things to take place.

6047. To what purpose have the four acres been applied?—At present they remain as they were. We hear, but we hope it may turn out not to be true, that a public-house or tavern is about to be erected; that, we know, would be the commencement of a great nuisance.

6048. Are there any outlying portions of the common which might be sold without deteriorating the common in its general character?—I should say not; if any portions could be sold, they would be of immense value on account of the frontage. I am told that this piece marked pink upon this plan, for which the present owner paid 390*l.*, he is now asking 1,000*l.* for.

6049. What is the size of it?—About two acres.

6050. Mr. *Shaw Lefevre.*] May we take it that the land has increased in value since it was sold to the railway company?—I should imagine so.

6051. Of the 4,000*l.* that was divided by the Court of Chancery, do you know how much went to the lords of the manor?—I believe a very small sum indeed.

6052. Was the sum divided amongst the lords of the manor and the copyholders by a decree in court?—It was. I am not sure whether the lords of the manor had not a separate adjudication with regard to their rights.

6053. You say that there were 61 copyholders; is there still that number in existence?—I believe there are a great many more; but that was the number among whom the said sum of near 4,000*l.*, subject to the costs, was distributed.

6054. Do the conservators pay anything for the rights of common?—None whatever.

6055. Have you any reason to suppose that the dean and chapter intend to dispose of any portion of the manor?—None whatever.

6056. You think that they would look to the interests of the public?—I am inclined to think so, always provided you do not want any money of them.

6057. Mr. *Baillie.*] Does not Barnes Common adjoin Putney Common?—It does.

6058. I think I observed the other day, that none of the turf had been skinned off Barnes Common?—You probably did not see the interior of the common. We take special care not to have it cut within reach of the road. We restrict the cutting of turf as much as possible, but the inhabitants are entitled to it; by law they have no right to it, but they have by custom.

6059. One of the Inclosure Commissioners told us that no lord of the manor had a right to skin the turf from the common?—It is extensively carried on both on Putney and Barnes Common.

6060. I observe that on Putney Common nearly the whole of the turf is skinned off?—Fearfully; it is very different from Barnes Common in that respect.

6061. The lord of the manor of Putney must make a considerable sum by it?—I should think so. Earl Spencer is lord of the manor.

Lunæ, 29° *die Maii*, 1865.

MEMBERS PRESENT:

Mr. Buxton.
Mr. Cowper.
Mr. Cox.
Mr. Doulton.
Mr. Hanbury.
Mr. Locke King.
Mr. Kinnaird.
Mr. Locke.
Mr. Lyall.
Mr. Shaw Lefevre.
Mr. Peacocke.
Mr. John Tollemache.
Mr. Torrens.

JOHN LOCKE, Esq., IN THE CHAIR.

Sir THOMAS MARYON WILSON, Bart., called in; and Examined.

Sir *T. M. Wilson*, Bart.
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6062. *Chairman.*] I BELIEVE you are desirous of giving some evidence before this Committee?—No, I was not desirous of coming, after the evidence given by my steward; but I have no objection to answer any questions that may be put to me.

6063. We know that you are lord of the manor of Hampstead?—I am.

6064. How far does that manor extend?—The original grant by Edgar was about two miles along the Edgware-road. It was, in fact, about four square miles; but I am not certain that the manor is now so wide as it was at that time.

6065. What is the extent of the heath which is now appropriated to the public?—I should say there is none appropriated to the public.

6066. What is the extent of the heath that the public use?—There are about 300 acres of waste land.

6067. I understood that you wished to make some proposition, with the view of settling the dispute about Hampstead Heath?—No, I have no proposition to make.

6068. We were informed that you were willing to dedicate a certain portion to the public upon obtaining the right to build upon another part?—No, I make no compromise and no promise. In the year 1829, my intention was to have laid out Hampstead Heath with ornamental walks; but I lost my Bill for building on other parts of my property, and having always been thwarted, I must now see what I can do to turn the heath to account, and get what I can. By the outcry that has been made against me, I am deprived of about 50,000*l.* a year. My property would have produced me that without the slightest injury to the public, if any of my Bills had passed. There were other parties who wanted to possess my property. Mr. Samuel Hoare wanted it, and offered a price for it; and Lord Mansfield was also anxious to have it, and so they wanted to come poor Poland over me.

6069. Is there nothing that you wish to do with it now?—Only to turn it to account.

6070. What do you mean by turning it to account?—I might build an Agar Town there upon 21 years' lease.

6071. Will you explain what you mean by an Agar Town?—I have never been to Agar Town, but we know very well that some property has been turned to account there by building cottages for poor people upon short leases.

6072. You consider that permissible, provided the pasture is not interfered with?—I believe there is no one who can claim pasturage on Hampstead Heath, in fact there is not a great deal of it.

6073. You think that the lord of the manor may build upon a common, provided he does not interfere with the pasturage?—In order that a copyholder may have the right of pasturage, he must have a homestead, and there are no homesteads at Hampstead; they are all houses. We can, I believe, trace the origin of almost every house in Hampstead by grant. There are plenty of large houses upon the heath, which are now valuable property. We supposed at one time that there were three copyholders, men having right of common, but they have probably lost it.

6074. Mr. *Cox.*] We all know that you are tenant in tail in possession of Hampstead Heath, and also of the Finchley-road estate?—Yes; it is called Finchley-road estate, but it is Oak Farm, part of my property.

6075. You have no power, as I understand it, to grant leases on any part of the property?—I have no power to grant building leases beyond 21 years; but I have granted a 21 years' lease at Hampstead, and a very good house has been built upon land which produces me, I think, 150*l.* a year.

6076. You told us that you thought you might build an Agar Town; do you know what an Agar Town is?—No.

6077. Can you give the Committee any sort of description of an Agar Town?—No.

6078. Do you know who Agar was?—No.

6079. Do you know that he was tenant in tail

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in possession, with power to grant leases for 21 years?—No, I know nothing about him.

6080. Then you do not know that he was in the same position as you are as to the Finchley-road estate and Hampstead Heath?—I suppose that is the case.

6081. Have you now any serious thought of converting either the Finchley-road property, or the Hampstead Heath property, into an Agar Town?—It would depend upon circumstances; if I am not able to build upon my inclosed land, I shall build upon the uninclosed. There is no reason why I should make any further sacrifice.

6082. At the present time, is there an application for a Bill in the House of Lords to enable you to grant building leases on the Finchley-road estate?—There is.

6083. Will you be good enough to look at this plan; that part coloured green is, I believe, the Finchley-road estate?—Yes.

6084. And the part coloured light red is Hampstead Heath?—Yes.

6085. The Bill now in the House of Lords would give you the power of building upon that part of the plan marked green, the Finchley-road estate?—If it should pass.

6086. Assuming that Bill to pass, you would have power to grant building leases over the whole of the Finchley-road estate?—I should.

6087. Having obtained such powers, will you tell the Committee what you would propose to do with Hampstead Heath proper?—I cannot tell; it never entered into my head to destroy Hampstead Heath at all until I found that I was thwarted in every Bill that I brought into Parliament; I was then advised to build upon the pink part.

6088. Assuming that the Bill passes which would enable you to build upon the Finchley-road property, what would be your intention so far as regards Hampstead Heath?—I should consult my architect and my advisers upon those points. I do not know what would be the best thing to be done.

6089. Had you not an agent or steward of the manor named William Loaden?—I had.

6090. I believe he had your entire confidence?—Pretty fair.

6091. Did you ever authorise him to enter into an engagement on your behalf, that if Parliament would give you power to build on the Finchley-road estate, you would execute any deed or document binding yourself, so far as you are personally concerned, not to touch Hampstead Heath?—I never gave him any such authority.

6092. Did you ever hear that he had stated he had such authority?—I heard it the other day.

6093. For the first time?—Yes.

6094. Then if, in 1862, a Bill was brought into the House of Commons to endeavour to obtain for you the power of building on the Finchley-road estate, upon the assumption that you would bind yourself not to build on Hampstead Heath proper, that was a false assumption?—Quite so. I might say this, that Mr. Loaden asked me whether I would agree to anything of the kind, and I told him no, I never would.

6095. I believe that the first time you made an application to Parliament to obtain powers to grant building leases was in 1829?—Yes.

6096. Did that first application of yours extend to powers to build upon the heath?—Certainly not.

6097. Have you ever, in any of the applications that you have made to Parliament, sought to convert Hampstead Heath proper to building purposes?—Not by Bill, because I apprehend I could do so without.

6098. As regards your power of building upon the heath, you consider that you can do that without any Bill at all?—Of course I can, by granting or by taking land forcibly; and then who is the party to oppose me in anything I may do? If I build where the sand is dug out, who could interfere? There would be a great outcry, of course.

6099. Assuming that this Bill now in the House of Lords, which would give you power to build upon the Finchley-road estate, were thrown out, what would you then do with Hampstead Heath proper, or with the Finchley-road estate?—I do not know what I should do with the Finchley-road estate. I suppose I must then be content to leave it as it is, but I should consider the most profitable mode of building upon Hampstead Heath proper, or best way of converting it to my own profit.

6100. I suppose it is almost unnecessary to ask you; do you concede or believe that the public have any right upon Hampstead Heath?—I conceive that they have none whatever, any more than they have upon my property at Charlton.

6101. Are you aware that from time immemorial that heath has been used by the public, without let or hindrance by anyone whatsoever?—It is not so at all. Those who make use of it, if they come up on *fêtes*, pay or have permission. There is a surveyor in London who brings his pupils up there to teach them surveying on Hampstead Heath, but he always asks my permission; he does not go there without.

6102. If, as a fact, the public have been in the habit of using the heath without your knowledge, has it been done with your assent?—I can only answer the question in the same way.

6103. Have you ever given any directions or instructions that notice boards should be erected prohibiting people from going there?—There are several notice boards, cautioning people against committing damage or waste; I do not recollect what is on them.

6104. But have you ever given instructions that any notice or warnings should be placed upon the heath, cautioning people not to go there?—You might as well put a notice there that they must not look over it.

6105. As a fact, you have never given any such instructions?—No; I do not remember what is on the notice boards.

6106. I am desirous of obtaining from you, if possible, your definition of what an Agar Town is?—My definition of it would be, a town built of small houses, with a 21 years' lease. We should find people directly, and a large revenue into the bargain.

6107. *Chairman.*] You mean that a tenant for life cannot grant a lease for more than 21 years?—Just so. A great deal has been said in former time about a clause in my father's will prohibiting building upon Hampstead Heath. That is perfectly absurd, and the only ground for such an assumption is, that it is an entailed estate, and the law of the land prohibits a longer lease than

than 21 years, under such circumstances, without the assistance of Parliament. My father was very ill when Mr. Lyddon came down to Charlton to add that codicil about the property at Woolwich and Charlton, and Mr. Lyddon suggested that the same thing should be done with regard to Hampstead. My father said, "I am too tired now to do it; I must put it off until to-morrow."

6108. Did the codicil include Hampstead?—No, the codicil was to improve Woolwich and Charlton.

6109. What were the words of the codicil?—They related only to Charlton and Woolwich.

6110. Did it apply specially by words to Charlton?—Yes; it applied to Woolwich and Charlton. Woolwich at that time was a town, and the property was in such a dilapidated state that about that time a whole street fell down; whilst Hampstead was in fields.

6111. You say that the words of the codicil are limited to Woolwich and Charlton?—Yes; Mr. Lyddon then, as he himself told me, suggested to my father that he should make another codicil with reference to Hampstead. His answer was, "I am too tired to do it now; I must put it off until to-morrow." Shortly after that he died.

6112. The codicil with reference to Charlton was executed?—It was; but there was no codicil for Hampstead.

6113. Mr. *Shaw Lefevre.*] You were never disposed to make any terms with Parliament?—I simply applied for power to build, *i.e.*, to grant building leases.

6114. You are aware that very frequently in Bills that are brought into Parliament a bargain is made with private individuals?—It may be so.

6115. You never had that in view?—No.

6116. You were never disposed to agree to that?—No.

6117. In your former Bills I suppose that Parliament would have been disposed to give you that power to build, if you had consented to dedicate Hampstead Heath to the public?—My first Bill was in 1829; that was thrown out in consequence of an outcry that I was attempting to deal with the copyholders, and had nothing to do with Hampstead Heath. A clause was proposed, enabling me to make bargains with the copyholders if they built upon their own land and improved it. The fine payable should be a limited fine for a certain number of years. At present, if a copyholder rebuilds a house upon his field or garden, or makes any addition, and the property changes hands, the next day I am entitled to take a fine upon the improved value. My proposition was that I should be allowed to make a bargain with a copyholder, that if he chose to add to his premises the fine should not be increased to two years' value; but that there should be an agreement beforehand of something like 50*l.* or 60*l.* Such things have been done before by my predecessors; but I have no power.

6118. Would it not have been worth your while, if you have been kept out of 50,000*l.* a year, to make some such concession as that I have referred to?—No, I would not do it.

6119. You are not disposed to do it?—No, I am not. I will not.

6120. Mr. *Peacocke.*] I understand, as the result of your evidence, that your wish is to turn your property to the best account?—Of course it is.

6121. You have no plan whatever for giving up any portion of it to the public?—None whatever.

6122. Mr. *Shaw Lefevre.*] Do you conceive that you have a greater power of dealing with the heath than with the other land?—I can deal with the other land by leasing it for 21 years.

6123. Not subject to the same restrictions?—Any lease that I grant for 21 years is good.

6124. So it is also upon the heath, you say?—Yes.

6125. Do you contend that you have power, by custom, to grant portions of the heath to copyholders?—Of course I can make grants according to custom; no one can interfere; there would be a great outcry, of course. It so happened that, some years ago, I put a post and rail fence about the size of this room round a boggy place, in order to see what wild flowers would grow there. A Mr. Jones lived in one of the houses near it, and he wrote to me a letter to say that his precious rights were infringed upon, and so on. I asked him to come and see me, and I inquired of him what his rights were. He said, "I do not know, but of course I have some rights which are very dear to me." "Well," I said, "I will give you *carte blanche*, and your solicitor shall search the rolls, and find out what your rights are." His solicitor went down to Mr. Lyddon, with this authority of mine, and asked for the index, and searched the rolls; and the result was that he told his client, Mr. Jones, that he had no rights at all.

6126. That particular man happened to have no rights; I suppose you contend that none of the public have rights?—None of the public.

6127. Or the copyholders?—There may be a copyholder who may have a homestead.

6128. Unless there are any copyholders having cattle to turn out upon the heath, you consider that the public have no rights?—They have no rights of common, unless they have a homestead, and can winter cattle, and are also copyholders.

6129. You contend that by custom of the manor they have no rights of turning out cattle?—I do.

6130. You are not prepared to enter into any arrangement with regard to the heath, if you are allowed to build on other portions of your land?—No.

6131. Mr. *Locke King.*] Did you not, in the Bill, propose an arrangement of that kind, namely, to dedicate some portion to the public?—No. Many reports have gone about that I would do this and do that, and about clauses in my father's will, which are altogether untrue.

6132. You make no offer?—I make no offer.

6133. *Chairman.*] What have your Bills been for?—To obtain powers for granting 99 years leases instead of 21. One Bill was for the purpose of sale, and it was suggested to Lord Mansfield, "That is just what you want; you want to buy the property." But Lord Mansfield exerted himself against the Bill, saying that if it passed, he would have to buy the land dearly when he wanted to buy cheaply.

6134. Mr. *Shaw Lefevre.*] How long have you held this opinion as to your absolute right over Hampstead Heath?—Almost always.

6135. You have been content to leave it as an

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open space hitherto?—I have always said that if I had the power of building on the inclosed land, I should lay out Hampstead Heath as a place of recreation for my own houses.

6136. But you will not enter into any such engagement?—Certainly not.

6137. You are ready to say so, but you will not enter into any engagement?—What I say is, that whether the Bill passes or not, I will consider how I can best improve Hampstead Heath for my own advantage.

6138. You did say that if you had power to build on the other portion of the land you would lay out Hampstead Heath as a recreation ground?—I would have done so in 1829.

6139. Did you say so in 1829?—No one ever dreamt of the thing.

6140. I thought you said you had said something of the kind?—No, I never said so; but I had that idea. The plan which Mr. Cockerell, the architect, drew was, so far as Hampstead Heath was concerned, very much my own.

6141. Do you say that you had at one time the idea of laying out Hampstead Heath as recreation ground, and that you abandoned that notion?—If my former Bills had passed, I should probably have done so; but I made no promise.

6142. And you were not ready to enter into any promise of the kind?—No; I did not think it necessary; I had a very large collection of cedar trees and curious oak trees raised at Charlton, in order to place on Hampstead Heath, but they have all died, or become too old to transplant.

6143. Mr. *Doulton.*] What is the extent of the land which you say you let on a building lease for 21 years?—It is a small piece of land on which a house stands at Frognell.

6144. But it is not part of the heath?—No. The house was utterly useless, and became out of repair, and was rebuilt.

6145. Do you say that you do not consider that the public have any rights whatever over the heath?—That is my notion; none at all.

6146. They do exercise the right of walking over where they like?—I do not call that a right; they are not interrupted. How is it on common lands distinguished from a common? People will walk over the common lands, and yet they are trespassers.

6147. You have taken no means to interrupt them?—A friend of the common keeper, who used to act as his deputy, saw a carriage drive on to the heath: a gentleman got out with a spade; he began to dig; he was taken in charge to the agent's office as a trespasser.

6148. You say that you introduced a Bill into Parliament in 1829, which was opposed by Lord Mansfield; did he withdraw his opposition whilst the Bill was in progress?—No, he opposed it; and my belief is, he stirred up the opposition in the House of Commons; but I cannot prove that.

6149. Did he make any proposal to you to withdraw his opposition?—No.

6150. Supposing the Bill now before Parliament to be supported by this Committee, are you prepared to make some arrangement with reference to Hampstead Heath?—No; I have lost enough already.

6151. *Chairman.*] Your grievance is of some years' standing?—Yes.

6152. It arises out of a clause which was introduced into the sales of Settled Estates Act?—My first application was in 1829.

6153. Was there not a general Bill brought in?—I cannot say that I can speak from actual knowledge, but I understood that Mr. Justice Erle suggested to Lord Cranworth that it would be very desirable to bring in such a Bill. That Bill Lord Ebury and some other gentlemen thought they would oppose, and they got Sir Richard Bethell, to whom the Bill was entrusted in the House of Commons, to introduce a clause which struck me, and me only, out of the benefit of that Bill.

6154. Was that by name?—No, not by name; but the Act was so altered that it was impossible for me to derive any benefit under it.

6155. Did it exclude you only?—I believe that I was the only person in England who was excluded. The effect of the clause was that no person who had already made application to Parliament should be entitled to the benefit of the Act. The Bill went up to the House of Lords with that alteration in it, and there it was altered again, so that I might avail myself of the provisions of the Act.

6156. I suppose the Lords disagreed with the amendment made by the House of Commons?—Yes, and restored the clause as it was originally. When it went back to the House of Commons, Sir Richard Bethell struck it out again; and when it was brought before the House of Lords the second time, Lord Cranworth said it was a public measure, and therefore it had better pass, because it was very nearly the end of the Session.

6157. In consequence of that, you have made several applications since?—Yes, several attempts to get that clause repealed.

6158. But your application has only been for the purpose of obtaining permission to grant 99 years leases?—That was the object.

6159. You have never introduced into any Bill that you have brought into Parliament any provisions for dealing with Hampstead Heath?—No.

6160. You have simply brought in a Bill in order to obtain that right which the sales of Settled Estates Act would have given you but for the intervention of that particular clause?—Yes; the last Bills have been limited to the Finchley Road Estate.

6161. You say now that you do not feel disposed to make any proposition, or to accept a proposition with regard to Hampstead Heath?—No; I do not think I ought to be asked to make any such proposition; I should not consent to make any.

6162. Mr. *Torrens.*] But you would not object to consider a proposition if made to you?—What proposition can you make?

6163. *Chairman.*] A proposition might be made to this effect, that Hampstead Heath should always be kept open for the benefit of the public, but that you should be allowed to grant building leases for 99 years of the property round it?—That would amount to my devoting this to the public. All I can say is, that if the public wish to take it, they must pay me for it.

6164. Mr. *Cox.*] If no arrangement is made your successor will be able to build upon the heath, or do anything with it he pleases?—He would not be trammelled with the 21 years lease, and might build better houses than I could

6165. He

6165. He would be able to grant building leases for 99 years?—That depends on who the successor is.

6166. *Chairman.*] I understand you to say that there may be one copyholder?—I do not know where to find any homestead.

6167. Mr. *Cox.*] If there be but one copyholder, you would only have to provide him with sufficient pasturage?—That is all.

6168. If you leave enough for him under the Statute of Merton, you can do what you please with the remainder?—That is what I suppose to be the case.

6169. I believe you are the only man in England who is prevented by the clause in the Act of Parliament from making application to the Court of Chancery for the management and improvement of his own property?—That is so.

6170. *Chairman.*] You say that you are the only person who, previous to the passing of that Act of Parliament to which you have referred, had made application to Parliament to be enabled to grant 99 years leases?—I believe I am the only person who has been refused, but not the only person who has made application.

6171. When the Legislature said that no person who had made application to Parliament should be permitted to apply for power to grant 99 years leases, that applied to you?—Yes.

6172. You, having applied to Parliament, were precluded from applying to the Court of Chancery under the sales of Settled Estates Act?—Yes. I tried what the effect of it would be on another small property I have at Uckfield, in Sussex. I have 10 or a dozen acres there, which are also entailed, and with reference to those, I made successful application to the Court of Chancery.

6173. With reference to that, you had not already applied to Parliament?—No; it was not worth while.

6174. Mr. *Shaw Lefevre.*] Are you aware that many thousands of people frequent Hampstead Heath on holidays?—They go there on holidays.

6175. Have you ever treated them as trespassers?—When there are *fêtes*, and people go up there to amuse themselves, they pay an acknowledgment.

6176. But I suppose that is only when they bring horses and carts on the common. You have not treated pedestrians as trespassers?—No; I do not know that I have; it is uninclosed land, and I could only bring an action for trespass, and should probably get 1*d.* for my damages.

6177. You never have treated the public as trespassers?—Some people imagine that persons go to Hampstead Heath to play games, but it could not be done; part of the heath is a bog; and there are cases of horses and cows having been smothered there.

6178. But people go there and amuse themselves?—Just as they do in Greenwich Park, but they have no right in Greenwich Park.

6179. You have never treated people as trespassers?—No; are they treated as trespassers in Greenwich Park?

6180. Do you claim the right of inclosing the whole of the heath, leaving no part for public games?—If I were to inclose the whole of it, it would be those only who are injured to find fault with me.

6181. Mr. *Lyall.*] I suppose you would sell Hampstead Heath?—I have never dreamt of anything of the kind; but if the public chose to prevent me, or to make any bargain that I am not to inclose it, they must pay for the value of what they take from me.

6182. Do you consider Hampstead Heath private property?—Yes.

6183. To be paid for at the same rate as private land adjoining?—Yes.

6184. Mr. *Torrens.*] Do you concede that the inhabitants in the neighbourhood have rights on the heath?—There are presentments in the Court Rolls to show that they have none. I may be allowed to add, that in consequence of my having no power of granting building leases, the railway companies that pass through my land take it at what they call its present value to me, so that an injustice is inflicted not only upon myself, but upon the remainder-man. I am getting less than one-fifth of what the land on the other side of the hedge is selling for.

6185. Mr. *Shaw Lefevre.*] How much do you get per acre?—£.700, I think; and for the land on the other side, the company paid 5,000*l.* per acre.

6186. Mr. *Cox.*] Are you speaking of the railway through the Finchley-road property?—Yes; it is cut up in such a way that there is scarcely a bit left.

6187. Mr. *Doulton.*] In the Finchley-road Estate Bill, how many acres do you propose to deal with?—About 250.

Mr. William Delano, called in; and further Examined.

6188. *Chairman.*] I understand that you wish to make some addition to the evidence that you gave the other day?—I wish to make this further statement, that Mr. Hodson purchased the manor of Chingford St. Paul, by auction, under the following particulars: "Lot 2. The very valuable freehold manor of Chingford St. Paul, with its courts, quit-rents, arbitrary fines, services, and valuable rights, together with a capital game preserve, with a woodman's or keeper's cottage, well known as the Hawke Wood (coloured green), containing about 294 acres, little more or less (producing an annual fall of wood), being a portion of the forest of Epping appertaining to this manor, and subject to the run of the deer and the customs of the forest. The annual quit-rents paid to the said manor amount to 8*l.*, or thereabouts, and the fines which are levied on death and alienation are of considerable amount."

6189. When was that purchased by Mr. Hodson?—The sale took place on the 25th of June 1844.

6190. That was the lot he purchased?—Yes.

6191. Mr. *Torrens.*] Is that the land that he has inclosed?—Nearly the whole of it.

6192. *Chairman.*] Was it not inclosed at that time?—No, it was then open, and remained so until the last eight or ten years.

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6193. Mr. *Torrens.*] Is the gravel dug by various people?—It used to be dug by the various parishes, but now the parties claiming these manors have refused to the parishes the right of digging gravel. The parishes now go to Woodford Green.

6194. The lords of the manors refuse permission to anyone to dig gravel?—Because they are about to inclose the lands.

6195. The lords of the manors dig gravel themselves?—Yes, for their own use.

6196. Is that according to the 10 Geo. 4, c. 50, s. 106, legal?—No, that Act prohibits it.

GEORGE WINGROVE COOKE, Esq., called in; and further Examined.

G. W. Cooke, Esq.

6197. Mr. *Tollemache.*] LOOKING to the interests of the public, I believe that you are alive to the importance of keeping these spaces either partly or wholly open within a certain distance of the metropolis?—Certainly.

6198. We are all anxious that our inquiry should lead to some good practical result; can you give us any scheme for that purpose?—If I knew the object of the Committee, I should be glad to say how far the machinery of our office could be brought to bear to further that object. The office with which I am connected has, no doubt, great facilities for carrying out any object relating to commons which the Committee may have in view. We have facilities for ascertaining proper compensation moneys, and we have facilities also for apportioning that compensation when the amount is determined. We are also daily in the habit of selling lands; and there is scarcely any scheme which this Committee may entertain, and which may be sanctioned by Parliament, to effect which some one of the various departments of the Inclosure, Copyhold and Tithe Commissioners could not bring to bear its machinery.

6199. The object of the Committee, as I conceive, is the preservation of open spaces within a certain radius. It has been suggested that the object we have in view might be effected with the assistance of the Metropolitan Board of Works, within the district of the Metropolitan Police, and it has also been proposed that the Inclosure Commissioners should give their assistance in keeping open those spaces which are beyond 15 and within 25 miles of the metropolis. Do you think that the Commissioners could endeavour to make terms with the lords of the manors, in order to carry out the object suggested?—I should like to make one suggestion with reference to the Metropolitan Board of Works. If it is a question of purchase, there are no hands to which it could be better entrusted than those of the Metropolitan Board of Works, because they have the power of rating, and they represent the metropolitan district. But if Parliament should give the force of law to any arrangement whereby the majority would be allowed to bind the minority, and an authoritative Act of confirmation should be required from a public body, then I think that the Metropolitan Board of Works, being somewhat in the position of an interested party, would not be the best authority for ascertaining the assents and dissents, and acting in a judicial manner to give effect to the arrangement. I think that the Board of Works would then be too much in the position of a party to discharge these functions satisfactorily.

6200. Do you think that many of these open spaces might be preserved for the use of the public, supposing that portion of them were sold to meet the claims of those who had rights?—I have no doubt about it, as far as the open spaces near London are concerned. I have had a rough map prepared, showing the Committee at one glance what 25 miles round London really means. You will observe that 15 miles will take in Uxbridge, St. Mary's Cray, and Dartford. If you go beyond that, and take in 25 miles, you come into an immense district of open spaces, including the Hog's Back, in the neighbourhood of Guildford, to the east of Tunbridge, and other rural districts. On the other side, you have Luton and Dunstable. I do not imagine that any Board could pledge themselves to superintend these enormous spaces between the two circles.

6201. I do not suppose that the Committee would contemplate keeping open all the spaces, but certain spaces within 25 miles of London might be of value hereafter to the people of this immense metropolis for recreation?—That would be almost independent of distance, because, looking at that map, I see many spots which have commons, to inclose which applications have been made to us, which no Londoner probably ever heard of; whereas, beyond the 25 miles, you have the beautiful Maidenhead Thicket, which everyone would be sorry to see inclosed.

6202. I happen to know that the people of Manchester go in vast numbers to open spaces which are more than 20 miles from Manchester. Do you suppose, in the same way, that there are open spaces within the same distance of London which may become valuable hereafter?—I should like to call the attention of the Committee to the power that we have, under our Act of Parliament, of regulating pastures. After Parliament has sanctioned an inclosure, if one-half of the commoners join in a requisition to that effect, we have the power, instead of inclosing and dividing the common, of regulating it; that is to say, we may state how many beasts each commoner shall turn out upon the common. It is little more than carrying out the old common law right of admeasurement of common which has fallen into disuse, though I suppose the right still exists.

6203. How is the expense of those proceedings provided?—It is raised by a rate, in the same way as the expenses of inclosure, but it is a little cumbrous. It was intended not as an independent proceeding, but as a thing to be done after the inclosure proceedings, or rather ancillary to the inclosure proceedings. A lord of one of the manors near Epsom, for instance, did not want to have a recreation ground, because he said that it would attract a crowd in front of his house, and instead of it he had four or five acres of regulated pasture.

6204. *Chairman.*] Are you aware of the proposition which has been made by Mr. Alcock?—I am not.

6205. His

6205. His proposition is this: that he will convey his rights as lord of the manor to commissioners, or any other body, on condition that they shall keep Bansted Downs uninclosed, for the benefit of the public. Supposing that were carried out, could you make any arrangement like this that you have spoken of with reference to commoners' rights?—Yes; we should have to go through all the ceremonies of an inclosure, or we should want an amendment Act to enable us to carry it out without going to Parliament; and it would be necessary for the Legislature to say, which we cannot, that such regulated pasture should not be liable to be inclosed.

6206. They never could be inclosed if they were conveyed to trustees for particular purposes, one of them being to keep the common open; they would stand, in fact, in the position of the lord of the manor?—Yes.

6207. Therefore they never could be inclosed?—Not if they were so conveyed; but that is no part of the regulated pasture system under our Act.

6208. Do you think it would be an advantageous course to pursue with regard to keeping the places open, to appoint a board which should have funds with which to purchase the rights of lords of manors, still leaving the rights of commoners as they are?—Yes.

6209. Such a board would have sufficient power vested in them for buying the rights of lords of manors, keeping the commons always open for the benefit of the public?—Clearly they would, because under the present law (putting aside the statute of Merton) the lord of the manor has a veto upon their inclosure.

6210. The Inclosure Commissioners can make no inclosure, except when the lord of the manor is a party to?—No, he has an absolute veto.

6211. Would it not be cheaper, and more advantageous to the public, to purchase the rights of lords of manors as I have suggested, leaving the commoners to take care of themselves?—Certainly; beyond that you would only have to provide against encroachments. The advance of encroachments renders it necessary that inclosures should take place, because the system of farming has so changed that the run upon a common is of no use, except to the small squatters. Farmers who used to turn out their cattle upon a common do not often do so now, and, therefore, the common falls into the hands of persons of small means, who are allowed to squat upon it. In that respect commons are changing their character throughout the kingdom.

6212. Supposing that these commons, or the rights of the lord over them, were handed over to the Inclosure Commissioners, do you think that the Commissioners might regulate the mode in which such commons should be preserved for the benefit of the public?—The Inclosure Commissioners have no funds with which to purchase or to maintain the commons.

6213. They suggest a scheme, and leave Parliament to do the rest?—Yes; there would be no difficulty, of course, in regulating the exercise of the rights, because that is what we are doing every day.

6214. If the rights of lords of manors were vested in any particular body, that body might come in and put you in motion?—No, the lord of the manor cannot put us in motion; he can only prevent our being put in motion. There must be two-thirds of the interest, and the lord of the manor (in his capacity as lord of the manor) has generally about one-sixteenth only.

6215. But he is always able to prevent an inclosure?—He is always able to veto.

6216. But supposing that two-thirds of the commoners in any particular place said that they wished to have a common inclosed, could you adopt any course that you liked as to the mode in which the inclosure should take place, or could you keep it open?—No; the two-thirds having agreed, and Parliament having once directed the inclosure, we have no power to stop it.

6217. Then you must have a fresh Act of Parliament to enable you to deal with commons in the sense in which this Committee is anxious to deal with them?—We could not do it under our present powers.

6218. Or even to deal with them as regulated pastures?—If the lord and the commoners join, we can deal with them as regulated pastures, but we must have two-thirds.

6219. Mr. *Lyall.*] Mr. Alcock, as lord of the manor, offers to make over 1,400 acres to trustees; supposing that he gets two-thirds of the commoners to consent, those 1,400 acres might be made into a regulated pasture?—Yes; you would have plenty of offers of that sort, because there is not a lord of the manor, with a common, and with his own desmesne land round it, who would not be delighted to see his common turned into a park, and probably a railway taken up to it. The commoners however might say that they did not derive any benefit from it.

6220. *Chairman.*] You would thus have a fair opportunity of purchasing the rights of lords of manors?—Yes.

6221. And you think that they would be willing to sell them?—Under the conditions that you would leave the common open.

6222. Mr. Alcock is willing to transfer Banstead Downs without receiving anything; do you think that the plan suggested is a feasible one?—He puts some public body, in fact, in his own position.

6223. To keep the Downs always open?—It would have the effect of keeping them open.

6224. Do you think that a public body, appointed for the purpose, would be able to carry out the same arrangement with respect to other places beside Banstead Downs?—The difficulty I see is in preventing encroachments, because that is a difficulty which every lord of the manor feels.

6225. Mr. *Cowper.*] Is the difficulty one of expense in legal proceedings?—And also in watching.

6226. Is it habitual, in the scheme that you prepare for inclosures, to provide that some portion of the land should be sold to defray the expense of the inclosure?—The Act of Parliament gives such power to the landowners; they meet and select a valuer, and they give him instructions to raise the expenses by sale of land, or by a rate.

6227. Supposing that the idea was carried into effect, of empowering the Metropolitan Board of Works to purchase the rights of lords of manors, do you think that without abuse, an arrangement might be made for the sale of a portion of the land, the rights of which had been purchased, which sale should be subject to a scheme by the Inclosure Commissioners, ratified by Parliament?—They

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—They must purchase not only the rights of the lords, but also the rights of the commoners, before they can do that, and there would be difficulties about that which I think they would hardly be able to overcome.

6228. Mr. *Shaw Lefevre.*] You think that that scheme would involve the purchase of all rights of common?—Yes.

6229. Mr. *Cowper.*] You say that it would not be sufficient to purchase a portion of the rights of commoners?—You must give them the Lands Clauses Act, in fact.

6230. Mr. *Doulton.*] Then if you took any of the land for the purposes of sale, it would be absolutely necessary to proceed under the Lands Clauses Act?—Yes; you would find many of the commoners not able to agree.

6231. Mr. *Shaw Lefevre.*] You say you have great facilities for apportioning land?—Yes.

6232. Taking the case of a common within easy reach of London, where the commoners have rights which cover the whole of the common, on what principle is the apportionment or allotment made to the lord of the manor?—It is not an allotment of money at all, except by special agreement; it is a proportional allotment.

6233. Where the common is covered, so to speak, with commoners' rights, is the allotment to the lord always one-fifteenth?—Not always; I have known it to be one-fifth.

6234. Does that arise from rights of another kind?—Peculiar rights, such as the rights of growing timber.

6235. Taking a common where there is no such right, but where the common is covered with commoners' rights, what would be the proportion of the lord?—From one-twelfth to one-sixteenth.

6236. Is he not entitled to a larger allotment, in consideration of its being building land?—That has no effect upon it; because as it is a proportion, one-sixteenth of the land, whether it be building land or agricultural land, will still be one-sixteenth.

6237. Then the commoners get the benefit of the land having a building value as well as the lord?—Yes.

6238. So that in the case of a common within easy reach of London, where the commoners exhausted the whole of the rights, so to speak, you would be able to purchase the interest of the lord of the manor for a comparatively small sum?—He would still be entitled to one-sixteenth.

6239. Not more?—Not under ordinary circumstances.

6240. Unless he could show that there was more land than sufficient to satisfy the commoners?—Or unless there was some special custom, which rendered his interest more valuable.

6241. Are the rights of copyholders, in your opinion, lost by non-user?—That is a very difficult question.

6242. Is it a question which is yet undecided?—I believe the decisions go to the effect that there must be a non-user amounting to a renunciation of the right.

6243. In the neighbourhood of many of the commons round London the copyholders, in consequence of the increase of buildings, have not used their rights; that is to say, have not turned cattle upon the common. Can they be said to have lost their right of turning on cattle?—I am not aware of any case which has been distinctly decided upon that point. It would probably turn upon the interpretation to be put upon the Prescription Act.

6244. It is still a difficult question?—Yes.

6245. Have any cases come before you in which lords of manors have claimed larger allotments in consequence of there being a custom of the manor by which they might inclose with the consent of the homage?—I am not aware of any such cases.

6246. If such a case came before you, do you think that any such custom would entitle them to a larger allotment?—I think a lord having such a right would not consent to inclose under our jurisdiction.

6247. Have you considered the legal effect of such a custom, as to whether it would be good without leaving sufficient for the commoners?—In all the later cases it has been held to be good.

6248. Is there not some case which says that a custom of that kind, to inclose without stint, is not good?—But here is the consent of the homage.

6249. Have you formed any opinion as to what the consent of the homage means?—I had occasion to look into it when I was at the bar, but I could not find anything very positive upon the subject. There is nothing in "Kitchen's" book about it. It would be necessary to make a search as to the practice of the different manorial courts.

6250. Would the courts exercise some control with reference to whether a custom is reasonable or not?—The courts would naturally look at a custom and say whether it was reasonable. It must be reasonable and immemorial.

6251. Mr. *Tollemache.*] Confining your attention to the smaller radius of 15 miles round London, can you submit to us any scheme by which our object of keeping the spaces open for the public might be accomplished?—It seems to me that within 15 miles of London you would always find land available for building purposes, and when you find a sufficiently large open space you might, I think, reasonably enough apportion a part of it to be sold or let upon 99 years' leases, and by that means you would form a fund for policing the place, and keeping it in order.

6252. Do you think that by such sale of a portion you could purchase the rights of the lord of the manor?—By sales or by allotment.

6253. I suppose that the rights of the lords of manors are practically not of any great value, generally speaking; are they not difficult rights to exercise?—They are not of any great money value to retain; the nearer London the less the money value to retain.

6254. Therefore those rights might be purchased for a comparatively small sum of money?—I do not know that that quite follows; because, although a right may be of little value to hold, it may be of considerable value as an obstructive right to sell. You could hardly sell any portion of Blackheath or Clapham Common, for instance. One would suppose that they ought to be safe enough in the custody in which they now are. But when you come to Wimbledon Common, where you have a large district of 700 acres or more, I think that you might very well sell 100 acres to provide a fund to keep the other open for ever. It will be built round, do what you will.

6255. There

6255. There are some commons which it is desirable to keep open for the benefit of the public, the rights of which you must purchase?—Yes.

6256. As I understand, the Inclosure Commissioners have no money to meet those claims?—No.

6257. The Board of Works have funds at their disposal?—Yes.

6258. Is it your opinion that in some cases the Metropolitan Board of Works might make use of those means at their disposal for the benefit of the public; but that, in other cases, portions of the land might be inclosed and sold in order to purchase the existing rights?—Yes; but you would have a very large district to deal with, if you kept open all spaces within 15 miles of London, and you would require a large sum of money.

6259. Can you give us a list of the open spaces which you think it desirable to keep open?—No; we have not ventured to go into any such inquiry as that.

6260. Mr. *Doulton.*] Supposing Banstead Downs to be made over to a public body for the purpose of being kept as a place for the recreation of the public, do I understand you to say that it would not be necessary to purchase the rights of the commoners or copyholders?—No.

6261. But in the case of Wimbledon Common, supposing that the Metropolitan Board of Works, for example, were desirous of retaining the greater portion of that land as an open space, and were to sell 100 out of the 1,000 acres, would that necessitate the purchasing the rights of the commoners and copyholders?—Yes, unless they are in the position of the lord of the manor, having the right to approve under the Statute of Merton, or with the consent of the homage.

6262. Supposing the public body to which allusion has been made, purchased the rights of the lord of the manor over Wimbledon Common, could that body dispose of 100 acres without compensating the commoners?—If there is a custom in that manor to inclose with the consent of the homage, they might do that. I understand the present lord of the manor claims such a custom, and of course it would be claimed by any succeeding lord of the manor. In default of that custom you could not do it without leaving sufficient pasture for all the commoners, because any single commoner might throw down the fences.

6263. If such a custom exists, 100 acres might be sold, and the other inclosed?—If you have a right to inclose with the consent of the homage, you do not require the copyholders to consent, or to be satisfied. If, on the other hand, you have no right to inclose with the consent of the homage, but can merely exercise your common law rights of inclosure, the commoners must have sufficient left.

6264. Mr. *Shaw Lefevre.*] Have you inclosed any common which had considerable value as building land?—Yes, I think we have.

6265. Can you give us any instance?—I cannot, from memory.

6266. Did the lord of the manor in that case receive no greater allotment in consideration of its being building land?—He would get a more valuable allotment of course, but not a larger proportion.

6267. If it were necessary to compensate the commoners, you would have to compensate them in respect of building land?—Yes; the principle is to divide the whole corpus between the parties entitled.

6268. Does not the adoption of that principle show that the commoners have something more than the mere right of common; that they have an interest in the soil?—No, I think not; that would be contrary to the whole principle of the law; it is the value of the usufruct of the land, of which 15-16ths are in the herbage.

6269. It has been contended that lords of manors are absolute owners of the soil, subject only to the rights of the commoners to turn out cattle; but if the commoners are entitled to an absolute allotment of the ground, it would seem that the lord of the manor has not that extreme right?—No doubt, on a piece of land that might be built over, the right to the herbage is not the most valuable right; but as the land cannot be built over until you have bought up the right to the herbage, so long as that right remains it is as valuable as ever it was. I do not see how, in the case of pasture land, unchangeable in its character, except by an Act of Legislation, you are to give a building value to that which never can have a building value so long as it exists as herbage.

6270. Mr. *Lyall.*] I understand you to say that you have the power of laying out a whole common as regulated pasture?—Yes.

6271. So that in the case of the Banstead Downs you could lay out the whole of the 1,400 acres as regulated pasture, if you obtained the consent of Mr. Alcock and two-thirds of the copyholders?—Two-thirds of the commoners.

6272. There would be no expense in maintaining it as a regulated pasture?—No; the money would be received from those parties who turned on their cattle.

6273. That, I presume, would be the best way of arranging that matter?—Yes, the whole thing would be policed and self-sustaining.

6274. Do you consider that, upon an inclosure, you have power to set out sufficient ground for recreation?—No, I think that our powers in that respect are unsatisfactory; the extent of recreation ground depends upon the population of the parish.

6275. Without reference to the large population that there may be in an adjoining town?—It has reference to that to a small extent; the acreage depends upon the population of the parish.

6276. Do you think it desirable that you should have discretionary power to exceed the present limit?—I think that the word "parish" should be altered to "district," or "neighbourhood."

6277. Who looks after village greens, or other open spaces, which are dedicated to the public?—I think that village greens are generally sufficiently looked after.

6278. But there are open spaces, are there not, which are not looked after at all?—There are open spaces which are not so much looked after.

6279. Do you think that when inclosures take place it is desirable to set apart a certain portion of land to provide funds to maintain the other?—There might be an endowment; at present the expense falls upon the parish; the land is made over to the churchwardens and overseers, who are bound to keep it up out of the rates. We find that in some instances they practically do not.

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6280. You think that the expense might be met by an endowment?—Yes, but you would have great difficulty with the commoners; it is not always easy to get from them a recreation ground, and it would be very difficult, indeed impossible, to obtain from them a sufficient allotment to endow that recreation ground.

6281. If they come to Parliament, they must submit to such terms as Parliament enjoins?—Yes; of course, Parliament has a right to make its own conditions.

6282. Do you think it would be desirable, with reference to the increasing population of this country, that there should be these endowments for maintaining cricket grounds, and so on?—We can allot it to a person, giving him power to let the herbage, and to take it on the condition that the public shall have rights of recreation over it; and we have sometimes found that rather better than allotting it to churchwardens and overseers, who do not not like to apply the rates to it.

6283. Of course, if you had a good space where the herbage was sufficiently good, you might let it to people who would maintain it in good order for public recreation?—Yes; but even in these cases we have often seen the effect of giving an individual an interest adverse to the enjoyment of a public right.

6284. Mr. *Doulton.*] You have no means of compelling any public body to preserve these open spaces?—No.

6285. And even if you had the control, you have no funds?—We have no funds, and we have no eyes or ears all over the kingdom to see to these things.

6286. Mr. *Cowper.*] In whom does the jurisdiction over village greens exist?—Generally it would be in the lord of the manor.

6287. Do you think that, practically, the same disadvantages occur in the village greens in reference to the want of funds to maintain them, and to keep them in good order?—Very generally they are small, and well known, so that they would not be quite the same.

6288. Mr. *Shaw Lefevre.*] On what principle are allotments made to the neighbouring poor; does it arise out of some custom?—Out of the Act of Parliament; there is a special provision in the Act of Parliament.

6289. Is that in respect of any rights which they consider they have?—No.

6290. What proportion of the common do you generally set out?—It depends on the necessities of the neighbourhood. Our Assistant Commissioner goes down and he reports, and very probable he reports that all the cottages there have gardens already, and then we set out none.

6291. You say, if the cottages around the common have gardens, then you set out none?—We set out what we think will be sufficient.

6292. That is in addition to the recreation ground?—Yes.

6293. Mr. *J. Tollemache.*] Who receives the rent for these allotment?—They are awarded to somebody who receives them instead of an allotment in land.

6294. In the great majority of cases, I suppose, these inclosures take place under the sanction of the Commissioners, and are ratified by an Act of Parliament?—Ratified by a Sessional Act.

6295. That is the case?—That is the case.

6296. The great majority of inclosures take place in that way?—Nearly all.

6297. But if the lord agrees with the commoners, he can inclose?—But it is almost impossible; for that purpose you must have a series of commoners, every one of whom is of full age, of full right, and full understanding, and that is scarcely possible.

6298. Then if nearly all the inclosures take place through the Inclosure Commissioners, ratified by an Act of Parliament, would there be any great injustice in an Act being passed by which no inclosure, within a certain distance of the metropolis, should take place but with the sanction of the Commissioners, and also by Act of Parliament?—That is rather a question of ethics.

6299. Do you think there would be any injustice in it. I understand you to say, that it is almost impossible now to inclose land, except through the Commissioners?—But in that one possible case, the parties would possibly think it unjust if Parliament were to interfere with their legal right.

6300. Then you would not recommend any such Act of Parliament as that being passed?—No.

6301. Mr. *Shaw Lefevre.*] The case is very rare?—Very rare indeed. There may be a case in which from generation to generation the lords may go on buying up right after right, until at last they have exhausted them.

6302. Mr. *J. Tollemache.*] Then you do not think the importance of these open spaces would be sufficient to justify anything of that kind?—I think the case would be so rare, that it could not be worth while invading a principle so important as that which would be in question.

6303. Then if that be the case, practically, no inclosures could take place, except through the Commissioners, ratified by Act of Parliament?—Practically so, unless there is a custom.

6304. At present you have power to secure portions of the commons to be inclosed for the purposes of recreation?—Yes.

6305. But your powers are limited according to the population of the parish?—According to the population.

6306. But supposing those powers were increased?—It would not be increasing our powers, it would be increasing the operation of the ordinary powers of Parliament, because our particulars amount to nothing more than a recommendation; when our provisional orders come before Parliament, setting out these particulars, it is a mere recommendation which Parliament turns into an order, if it pleases.

6307. Then, at present, your recommendation is limited?—Yes.

6308. But supposing your recommendation were not limited to that question, supposing you might look to the population of the district?—We should, in many instances, I think, have required much larger portions than we have.

6309. Then do you advise that your power of recommendation should be extended?—I think that that might very well be reconsidered, particularly as to the population of the parish; the population of the parish is no criterion as to the wants of the neighbourhood.

6310. Mr. *Doulton.*] You had an application recently for the inclosure of Tooting Common?—Yes.

6311. And although it was so near to the metropolis, you only took into consideration Tooting parish?—Only Tooting parish; we had no power to do more compulsorily. We attempted to obtain for the public one-half of the common by consent, but we did not succeed.

6312. Mr. *Shaw Lefevre.*] Would it not be possible, in your report to Parliament, to mention such cases, and recommend that Parliament should not sanction the inclosure without something further?—Yes, but practically public officers have a difficulty in that respect; if we report anything more than we are obliged to, we have heard it suggested that Parliament does not wish dissertations and essays by a public office.

6313. But it might be a very short report, merely saying that the population outside the parish is very large, and ought to be considered?—Yes.

6314. Let me take the case which was supposed, of the lord of the manor getting the consent of all the commoners, such an inclosure might take place without any provision whatever?—Yes.

6315. Do you not think that that is a considerable hardship on the parish or the district surrounding it, and ought it not to be provided for?—That case has not occurred to me.

6316. Is not that very thing the case in some of the inclosures in Epping Forest, that they are inclosing without coming to the Inclosure Commissioners at all?—People are inclosing their own land; they are only inclosing against the forestal rights.

6317. But the lord of the manor, and the persons who are entitled as commoners, having paid off the forestal rights of the Crown, are inclosing without any reference to the public whatever?—I was not aware of that.

6318. Are you not aware that, in the parish of Loughton, there are something like 1,800 acres being inclosed by the lord of the manor, and the commoners, without any provision being made for the public?—No, I am not.

6319. Has not that case come before you?—No, it would not come before me.

6320. Then you are not aware of the fact that 1,800 acres are now being inclosed without any provision being made for the public?—It seems almost inexplicable that that can be so.

6321. It may be that many of these inclosures take place without your knowing anything at all about them?—I could not possibly know; but I cannot conceive that such an inclosure would hold good; any single commoner might throw it down.

6322. But they would do it at their risk?—Within 20 years these fences might be all thrown down.

6323. In such a case, there really is no provision for the public at all?—None whatever.

6324. Would it not, therefore, be desirable, on behalf of the public, to prevent that injustice, and to say that no inclosure of that kind should take place without coming through the Inclosure Commissioners, so that the public should have some provision made for them in such cases?—That would be altering the rights of parties.

6325. But it would give the public a security which they have not now; is not that so?—I think that must depend upon circumstances.

6326. Is not the effect of your evidence to show that under the present state of the law the public are not considered in some of these inclosures, where the law has already recognised the fact that they ought to be considered?—Well, there is the previous question, as to whether the public have any rights, and where they have rights.

6327. The law, by this Inclosure Act, has recognised those rights practically, has it not?—I think the law has only said this: "If you come to Parliament asking for extraordinary powers, we then make a bargain with you; but so long as you only exercise your own rights, we do not interfere."

6328. Does not that amount to a recognition of the right in fact, because they would not do it if it was not a proper thing to recognise?—If you come to ask a favour, we make a bargain.

6329. Mr. *Lyall.*] People who come for inclosures come with a bargain; they say, "we cannot get all the arrangements made, so we must go to Parliament"?—Yes.

6330. But if a man can do everything without coming to Parliament, would it not be detrimental to his rights for Parliament to say that he shall come?—Certainly.

6331. *Chairman.*] Would it not amount to this, that every person should give notice that he was going to apply to the Commissioners to inclose a space; and therefore, if anybody had any objection to make, he could do so. On the one hand, you say a person has a right to do a thing; and on the other, he infringes on the interest of other people?—Yes.

6332. Therefore, would it not be proper that he should, in cases like that of Epping Forest, give notice of what he is about to do?—But suppose he does not.

6333. I am putting the question whether it would not be advantageous to insist upon his doing so?—We have no means of seeing whether such an enactment was carried out, or whether it was not; it would be a mere enactment.

6334. Well, it would have this effect: that the act would be clearly illegal, if the party did not give the notice; he would have to prove, in the first instance, that he gave the notice to the Inclosure Commissioners that he was about to take in this space of ground?—Yes.

6335. And if he could not prove that notice, it is clear that his title afterwards would not be good?—Yes.

6336. Mr. *Shaw Lefevre.*] The effect of any such regulation as that suggested, that no man shall inclose any ground without going to the Inclosure Commissioners, would be, in effect, to repeal the Statute of Merton?—No; they might give notice, and then inclose. That would not repeal the Statute of Merton.

6337. I am not talking of the notice, but of the suggestion that nobody shall inclose without the consent of the Inclosure Commissioners; would not the effect of any such arrangement be to repeal the Statute of Merton?—The Inclosure Commissioners, finding the Statute of Merton on the Statute book, would probably confine themselves to ascertaining that there was a sufficiency of common left.

6338. But the effect would be that they then would make a provision of some kind for the public?—If their authority was required.

6339. Mr. *Tollemache.*] According to your present practice, you acknowledge that the public have a right to portions of the uninclosed commons; that is, you set apart a portion for the purposes

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purposes of recreation?—Yes, Parliament has given us that power.

6340. Then Parliament, by giving you that power, and you by exercising it, show that the public have a right to the commons for the purposes of recreation?—I do not think that is the principle involved in it. I think the principle involved in the practice is, that Parliament grants a favour, and exacts a favour.

6341. If I understand you correctly, you never consent to an inclosure without setting apart a portion of the common for the purposes of recreation, provided you find it desirable?—Provided we find it desirable. Of course, in many of our inclosures, for instance, on the top of the Cumberland Hills, it would be absurd.

6342. But wherever you consider it desirable, you always set apart a portion of the common for the public, for the purposes of recreation?—Always, whenever there is a present population that could take advantage of it, or the probability of a population arising which would hereafter take advantage of it.

6343. In fact, it involves the liberty of the population of the parish?—Yes.

6344. But supposing that Parliament should pass an Act by which no commons should be inclosed within a certain distance of London, except through the Commissioners, and your power of recommendation were extended to the population of the district instead of the population of the parish, I suppose if that were done, a considerable portion of these open spaces would be secured to the public?—The portion that Parliament determined.

6345. That would be one way of securing it to the public?—That would be one way of securing to the public recreation grounds.

6346. Can you suggest any other plan?—I think there would be a very small portion preserved to the public that way, because we could not take from people going to inclose, and undertaking all the expenses of inclosure a very large proportion of the corpus of the land to be inclosed.

6347. Then, within a certain distance of London, say 15 miles of London, you might call in the assistance of the Metropolitan Board of Works?—Yes, if the Metropolitan Board would buy up the lord's rights, and would then place themselves in such a position as to be able to sell a portion of the land, the object might be best attained; but I see great difficulties in that.

6348. Could you assist the Metropolitan Board in any way in carrying that scheme out?—Certainly, I think the Commissioners could very beneficially be made, as it were, arbitrators between parties in certain portions of the transactions. I do not think we could be made arbitrators as to the price to be obtained or anything of the sort; but I think we might act very beneficially perhaps, in apportioning the land or the money between the commoners, and doing that sort of work which the Metropolitan Board of Works could not very well do in their position as a party to the transaction.

6349. Do you think that you could act with the Metropolitan Board of Works to an extent which would secure, in certain cases, these open spaces to the public?—I think we might facilitate the transaction.

6350. If they found it necessary to buy off any one?—I think we might facilitate the transaction. I do not apprehend that it is supposed or purposed that Parliament should give compulsory powers to take these open spaces; because if you did so of course you must have very large funds, and you must give such compensation as juries would give; there is no other way of arriving at it, and that would seem to be too expensive; but I think if it is a matter of negociation between the Metropolitan Board of Works and the lords and the commoners, there are points with respect to which some independent jurisdiction, whether it be ours, or whether it be the Home Office, or any other, would be found to be absolutely necessary to give authority to the transaction.

6351. Then in that way you think the Inclosure Commissioners might with advantage act with the Metropolitan Board of Works?—Yes, or some independent body. We have the machinery, perhaps, as complete as any other office.

6352. Mr. *Shaw Lefevre.*] In the case of the compulsory purchase of the interests of the lords of the manor solely, and not of the commoners, could you not be of some use in ascertaining the rights of the lords of the manors in each particular case, apart from the question of what value is to be given?—There is no doubt we could ascertain the rights of the lords of the manors, because that is part of our every-day work.

6353. Would not that be a better way than leaving it to a jury to say what the rights of the lords of the manors were, as well as the question of the value?—Our general plan of action is not by the agency of a jury, but of two valuers; we are in the habit, for instance, of compulsorily enfranchising copyholds to a very large extent.

6354. Cases of compulsory enfranchisement, you say, come before you?—Yes.

6355. Could not the two questions be separated, the ascertainment of the right, and the question of value?—Yes; you must ascertain the right before you can get at the value.

6356. *Chairman.*] The question of value would entirely depend on the right?—Yes.

6357. If you buy a man's right, you must, first of all, ascertain what it is?—Yes.

6358. Mr. *Cowper.*] Is the obligation of setting apart allotment grounds co-extensive with the obligation in regard to recreation grounds?—I beg your pardon, I do not quite understand your question.

6359. Is the obligation, with regard to an inclosure, of setting apart a portion of that inclosure for allotment gardens for the poor, co-extensive with the obligation about recreation grounds?—It is co-existent; it is not co-extensive, so far as acreage is concerned.

6360. But it applies to the same places, and in the same degree?—It applies to the same places, and in the same degree.

6361. In both cases you have to ascertain whether there is a requirement in the parish for such an arrangement?—Yes, but it does not depend on the population; that is not the element.

6362. *Chairman.*] You gave some evidence just now as to the power of the lord of the manor, where he had the consent of the homage. Now, do you consider that the lord of the manor, with the consent of the homage, could legally inclose where common rights are by prescription not confined to the copyholders?—I do not think that it would depend upon that. There is a court

court baron as well as a court customary, the court baron is the court of the freeholders, the court customary is the court of the copyholders; these are commonly held together, and the homage might very possibly be held to bind all.

6363. Would not that depend upon whether everybody was represented?—Yes, they would be represented in that way.

6364. Of whom are the homage usually composed?—That is a matter known only in the practice of the stewards of the manors. There is very little laid down in the books about it; all we know about it is something in Coke Lyttleton, in Coke's Complete Copyholder, and in Kitchen on Courts; the whole thing is very obscure. I must add that this is not a matter which ever comes before me in ordinary practice, and I was not aware that I should be examined upon it.

6365. It seems to depend upon the manor then?—Each manor has its custom.

6366. That makes the law?—Yes.

6367. Must not the right of the lord of the manor to do an act of that description with the consent of the homage to make it legal, be applied according to custom?—Clearly; whatever may be the custom of the manor.

6368. Now, would an inclosure by the lord, with the consent of the homage, on commons within the last 10 or 20 years be legal?—I should think that one instance of an inclosure by consent of deed and homage within 20 years would not be satisfactory proof of a manorial custom to inclose with such consent; but that would depend upon what the jury might think of it; of course the custom must be supposed to have come down from the time of Richard I. Then 10 years, or 12 years, or 30 years might be held to be *primâ facie* evidence of that fact, provided there is no anterior evidence given of the commencement of the custom. Any custom at common law, the commencement of which you can prove to be posterior to the time of Richard I., is bad.

6369. It would depend upon the evidence in each particular case?—Yes.

6370. Can rights of lopping and cutting furze be legally inclosed against by the lord of the manor with the consent of the homage?—I should say, yes. The turbury and lopping and so on cannot be inclosed against under the Statute of Merton on account of the words of that statute; but if the custom is good to inclose with the consent of the homage, it would be good as against turbary and lopping, as it would be against pasture.

6371. That is, supposing there is a custom clearly proved in the manor that the lord has been in the habit of inclosing where the commoners were entitled to estovers?—Yes.

6372. If that right had been exercised by the lord from time immemorial that would establish it, although there would not be the general right under the Statute of Merton?—Yes, that is so.

6373. Then in point of fact, that rule of law which says that the lord can only inclose against pasture is modified, and in fact got rid of merely by the customs of the particular manor?—By a special custom, supposing that special custom is good.

6374. But without a special custom, the lord cannot approve against the right of estovers or the cutting of turves, but merely against the right of pasture?—The statute of Merton only mentions the common of pasture.

6375. Then the statute of Merton only mentioning pasture, what effect do you conceive that to have upon the common law right of approvement?—The common law right of approvement, supposes it to have existed very clearly to the full extent, that is to say, that the lord has the right to everything upwards and everything downwards, except that which was carved out of his right for some one else.

6376. Then what is the principle of law with regard to pasture, as distinguished from estovers?—Simply that the Statute of Merton mentions the one, and does not mention the other.

6377. Do you think that, irrespective of the Statute of Merton, the lord could approve against all?—Yes, according to the principles of our real property law.

6378. Mr. *Shaw Lefevre.*] That law is very much doubted, is it not?—I do not think it is very much doubted; Lord Coke, I think says, it is only declaratory of the common law.

6379. Where there are persons who prove rights of turbary and lopping trees, do you allot a portion of the common to them, or do you merely compensate them in money, without allotting to them?—We allot to them.

6380. Equal rights pasture?—Yes; or we leave them places in which they may excercise their rights.

6381. It has been represented to us by some of the lords of the manors whom we have examined, that they have a custom of the manor to inclose, with the consent of the homage, they nominating such of the copyholders as they think fit, and therefore making the homage their creatures; do you think that would be a reasonable custon?—There is nothing about it, that I am aware of, in the books; it is a fair point to take the opinion of the Court upon.

6382. Mr. *Lyall.*] With regard to Epping Forest, at Woodford, I think there was 50 acres inclosed?—At Chigwell.

6383. Who looks after those 50 acres?—They are not yet set out; it happens that we are stopped in the middle of the inclosure by a suit of law. Mr. Shillibeer has given notice of dissatisfaction with one of the decisions of the Assistant Commissioner, and we are in the courts about it, and unfortunately we are shut up, as our Act gives such a large time for these appeals.

6384. Mr. *Tollemache.*] I gather from your evidence that, taking 15 miles from London, you think the Metropolitan Board might have the power to purchase the rights of the lords of the manor in certain cases, so that the open spaces should be kept entirely as they are at present?—Yes.

6385. And in other cases, if the Metropolitan Board of Works had power, after having purchased the rights of the lord of the manor, to sell certain portions of the common to meet the costs, with the consent of the Commissioners, I suppose a great deal might be done within 15 miles of London?—A great deal might be done to keep the spaces open within 15 miles of London, if the Metropolitan Board of Works, who have always power to come to Parliament for these purposes, were to buy up the rights of the lord: that would secure that the open spaces should be kept open, and after that they never could be inclosed without the consent of the Metropolitan Board of Works; but it would not secure their being kept carefully preserved from encroachment, without some further powers than the Board of Works, as I understand their Act, now have.

G. W. Cooke, Esq.

29 May 1865.

have. I think it would be advisable that they with somebody else, should have power to sell a portion of the land, always supposing that there is an objection to provide for the same purpose out of the public funds, which would be, of course, the most easy way; but supposing there be an objection to that, I think there should be some means of selling off a portion of the land, to create a fund for the perpetual preservation of these spaces.

6386. That is in certain cases?—In certain cases; I am speaking, of course, of spaces like Wimbledon, and the large Surrey commons.

6387. But there are some open spaces which could be kept open as they are at present?—Some of them, like Blackheath and Clapham Common; as regards them, you might just as well sell off a portion of Grosvenor-square.

6388. In those cases, it would be desirable that the rights of the lord of the manor should be purchased, so as to secure those spaces being kept open?—I should think those spaces are probably safe; there are so many villas and houses round, the inhabitants of which have an interest in keeping them open.

6389. Mr. *Shaw Lefevre.*] It has been represented to us by the lord of the manor of Hampstead, that he has himself the absolute right?—Hampstead is another thing.

6390. Mr. *Tollemache.*] And it has been stated with regard to Clapham Common, that if anything happened to the present lord, or if he were to sell his rights, the inhabitants might be placed in very great difficulty?—I do not know about that.

6391. But if the Metropolitan Board had power to purchase the rights of the lords of the manors, that the interest of the public in keeping these open spaces is so great, that they would be induced to make this purchase?—I presume they would.

6392. Therefore, giving those powers would be of advantage?—But then there would be no power of sale; you must act upon your rates there.

6393. Then, again, as regards other spaces beyond the 15 miles; if the Inclosure Commissioners had fair power to extend the recreation grounds of the district instead of the parish, that would do a great deal of good?—That would do a great deal of good, no doubt.

Mr. James Scott, called in; and Examined.

Mr. *J. Scott.*

6394. *Chairman.*] I believe you are the Solicitor to the opponents of the proposed inclosure of Tooting Common?—I was, and had occasion during that employment to make many inquiries as to the customs of the commons in the neighbourhood of the City of London. I have heard a statement of Mr. Wingrove Cook, which I think is very important that I should mention this to the Committee while he is present. If I understand Mr. Cook rightly, his proposition was that, although the lord had a positive veto over the proceedings of the Inclosure Commissioners, yet that he never put the law in motion himself. That very question arose in the case of Tooting, and we were met with this extraordinary state of things in Tooting, that the lord, *proprio motu*, introduced those proceedings into the office of the Inclosure Commissioners. The first objection was, You have no right to come here, because you do not represent one-third of the value of the common, and therefore we object to your proceedings. A great deal of discussion took place, counsel were brought down to argue the point, and eventually the decision of the Assistant Commissioner was that the Commissioners had power to proceed, and that the lord represented one-third of the value of the common. In answer to inquiries which were made, as to how he arrived at that conclusion, and if there were any authorities in support of it, he said that in a certain common which had been inclosed in the north of England, the minerals and the earth were regarded, and the lord was assumed to have an interest far beyond the ordinary proportion, and he assumed that all the land in the neighbourhood of London might become useful for building purposes, and therefore he concluded that the lord of the manor had one-third, and much more. We took the opinion of counsel upon that, and we should, at the proper time, if a settlement had not been come to, have applied to the Court of Queen's Bench for a prohibition, because, if that decision be right, every common is at the mercy of the lord; he can apply to the Inclosure Commissioners, and say, "I represent more than one-third, and therefore I can apply, *proprio motu*, to inclose the common."

6395. But he must give some evidence of that?—There was no evidence given here.

6396. It would appear in his title-deeds?—Yes.

6397. Then the next question would be how many commoners or copyholders there were?—Yes.

6398. Then if there were only one copyholder, as we were told by Sir Thomas Wilson, the lord would have very nearly all?—Yes.

6399. Then what is your objection to his going on there?—It is contrary to the supposed right of the lord, and it will eventually result in this, that every common in the neighbourhood of London can be inclosed, if the lord choose to apply to the Inclosure Commissioners, without the sanction or concurrence of the commoners.

6400. I understand that in this particular case the inquiry was made, and the Assistant Commissioner, Mr. Wetherall, arrived at the conclusion that the lord had that proportionate right in the common which entitled him to institute these proceedings?—No inquiry was made, but the Commissioner was met with the preliminary objection, that the lord did not represent one-third of the interests, and therefore had no right to go before the Commissioners. Then Mr. Wetherall chose to put an arbitrary value on the lord's rights, and to assume that they were one-third. We took the opinion of counsel upon that decision, and at the proper time we should have applied for a prohibition.

6401. What questions did you ask counsel?—Whether the rights of the lord could be estimated by the Commissioners or the Assistant Commissioner.

6402. How was it estimated?—By the will of the Assistant Commissioner.

6403. If

6403. If the Commissioners do not estimate it, how is it to be ascertained; we have it in evidence that one-third of the interests in this common must agree before the Commissioner is put in motion; who is to ascertain whether he is put in motion or not, unless it is himself?—There was no evidence given whatever; and I mean to say, that if that be the rule of law, that the lord can of himself, without the concurrence of his copyhold tenants, and other parties interested, proceed to inclose absolutely of his own will, all the commons about London are in danger.

6404. But when he puts his consent as the consent of one-third, where is the hardship?—I have always understood that the lord never did and never could put the law in motion.

6405. But if there are no copyholders?—There were copyholders here who appeared, and proved rights, and we examined 20 or 30 witnesses. Of course I am putting the case at the strongest; but I do not see what there is to stop the inclosure of every common about London, if this law is to proceed.

6406. What can there be to prevent the enclosure of any common about London, without coming to the Commissioners at all, if there are no copyholders or any persons having rights; why should the lord not approve for the whole?—I merely point out to this Committee a danger which is obvious, and which may arise very shortly. I had a common offered to me by the lord, consisting of 100 acres of land, for 10,000*l.*; therefore I say the lords can get the absolute ownership of all the commons about London. In the actions which have been referred to in the evidence, there was a multiplicity of people in each case, and of prescriptive rights existing for 20, 30, or 60 years.

6407. As regards the opposition to the inclosure of Tooting, that is now given up?—It is given up because we have settled the matter.

6408. Then, unfortunately, your occupation is gone?—We could do nothing except settle it; we thought it better to arrive at a reasonable conclusion than to trust to the chapter of accidents. I desired to mention it to show the great danger which is imminent to all the open spaces about London. I have had to consider the matter a good deal, and I believe the Board of Works is the proper tribunal to take these things in hand, with a veto on the part of the Inclosure Commissioners, and with the aid of a valuer to ascertain the value of the rights of the lord and the copyhold tenants.

6409. Common rights have become of very little value in the commons about London?—They are in some cases, because it has been given in evidence before this Committee that one copyhold tenant of Tooting manor turned out 500 sheep on the common, and although the rights were not exercised fairly, they were very arbitrarily and very largely. There was one man who turned out 1,000 sheep on Clapham Common on one occasion.

6410. For a very short time, I suppose?—For a very short time; but I think that if the Board of Works, or some public tribunal, be not authorised, every common about London will disappear.

6411. Are you aware that it is the great object of this Committee to prevent that if they can?—Precisely.

6412. Does anything suggest itself to your mind as to what ought to be done?—I think the fair course is for these commons, in a given space not exceeding 12 miles from London, to be handed over to the Board of Works, with a power to raise funds; but there ought to be a veto on their proceedings, which veto could be fairly exercised by the Inclosure Commissioners, and they would have power to buy up the copyhold rights, and other powers.

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APPENDIX.

Appendix, No. 1.

CORRESPONDNCE handed in by Mr. *Doulton*, a Member of the Committee, 4 May 1865. App. No. 1.

The Plumstead Board of Works to Sir *George Grey*, Bart., M.P.

Plumstead Board of Works, S.E.,
Sir, 3 March 1865.

I AM directed by the Board to represent to you the encroachments and annoyances constantly taking place on Blackheath, which, owing to the vast increase of the Metropolitan population, has become a place of general resort, especially in the summer season and on Sundays.

Some of the annoyances alluded to arise from the unregulated concourse of pony and donkey drivers, the violence and cruelty to the animals, and the bad language and riotous conduct which are the necessary consequences. But the chief encroachment to which the Board would draw attention is caused by the gravel digging within the limits of the Royal Manor of Greenwich, which is being carried on to such an extent as to threaten the speedy destruction of the herbage and level surface of that portion of the Heath which fronts the south park wall, within such manor.

It is understood that the right to dig gravel is granted to an individual who sells the material in this neighbourhood, and it is urged that the small revenue derivable from such an arrangement should not be allowed to outweigh the public interests at stake in the preservations of the heath as a place for general recreation.

The views of the Board on this subject will, perhaps, be considered as strengthened by the fact that the Right Honourable the Earl of Dartmouth, the Lord of the Manor of the remaining portion of the Blackheath, in the parish of Lewisham, has discontinued digging gravel within the limits of the manor.

The Board trust that these representations will induce the Government to interfere in such way as may be thought most advisable to remedy the evils in question.

I have, &c.
(signed) *E. L. Burnett*,
Assistant Clerk.

The Right Honourable
Sir George Grey, Home Office.

Mr. *H. Waddington* to the Chairman of the Metropolitan Board of Works.

Sir, Whitehall, 7 March 1865.

I AM directed by Secretary Sir George Grey to transmit to you the enclosed copy of a letter* from the Assistant Clerk of the Plumstead Board of Works, calling attention to annoyances and encroachments on Blackheath; and I am to request that you will favour Sir George Grey with your observations thereon. *March 3.

I am, &c.
(signed) *H. Waddington.*

The Chairman of the
Metropolitan Board of Works.

The Chairman of the Metropolitan Board of Works to Mr. *H. Waddington.*

Metropolitan Board of Works,
Spring Gardens, S.W.,
Sir. 13 March 1865.

MR. BURNETT'S letter of the 3rd instant, which you have been good enough to forward for my information, contains two grounds of complaint; the first of annoyances arising from the unregulated concourse of pony and donkey drivers; the second from the encroachment of gravel diggers within the Royal Manor of Greenwich.

I am not aware in what way the Board can interfere to mitigate or remove either of these nuisances; the first I should have thought a matter of simple police, remediable by the inspector of the district, under the Metropolitan Police Acts.

The second would appear to arise from the non-intervention or lax exercise of his authority by the steward of the manor; the gravel digging can only proceed by his license, and the simple withdrawal of his permission would at once put a stop to the annoyance.

There is no power conferred on this Board over Blackheath, or any other common or open space, by the Metropolis Local Management Acts, and the provisions of the Gardens in Towns Protection Act do not extend to these cases, but I may suggest that the condition of these open spaces is about to be investigated by a Committee of the House of Commons, recently appointed on the motion of Mr. Doulton, and that Mr. Burnett's representations might advantageously be laid before that Committee.

I am, &c.
(signed) *J. Thwaites*,
Chairman of the
Metropolitan Board of Works.

H. Waddington, Esq., Home Office.

App. No. 3.

it. One fired between me and Eidsforth, and then loaded their guns. Don't know how many times. Fired over our heads. We got frightened, and ran away. Heard firing as we ran. Prisoner and companion came up to where we were hiding, and putting shots out of his pouch into his hand said, "Here's a dose for some of you." Had a dog, black and white, with us. Mordaunt or Meadows said it would make a fine hare. William Jameson caught up with us when prisoner and companion overtook us. Somebody said, "Here they are, we have got them." Deceased said, "You have no right to shoot in the forest at all; if the police knew it, they would take you up." Mordaunt said, "Haven't I; I will shoot you." He put his gun to his shoulder, and fired at deceased's face. Deceased fell. Got the gun right at his shoulder. Prisoner threw the gun down and ran away. I ran after him, and missed him. I saw no more. I went after a doctor.

Cross-examined.—He did look rather surprised. There had been no ill-feeling. Did not go off until it was at his shoulder.

Re-examined.—He brought the gun to his shoulder, and took aim, as if provoked and cross.

Sworn before me, this 8th day of October 1864,

Henry Ford Barclay.

Charles Eidsforth, aged 14, resides at 13, George-street, London Fields, Hackney. On the 7th September I was with deceased, Charles Holliday, and William Jameson, blackberrying, and returning home. Prisoner and Meadows had both guns. We asked the way to the "Rising Sun." They showed us. No other conversation that I can remember. We went away frightened at their firing at us, and over our heads. Thought we had missed them; came up to us again. Prisoner laid down and fired up. He also threw a bird up and fired at it. He pointed the gun all round. I made no remark. Ran away; they followed up. Did not hear any threats. We stopped. They came upon us. One said, "Deliver up the dog, dead or alive;" don't know which. Elder Jameson took the dog up, and said they should not. William Jameson said he would have them taken up for cruelty to animals. Deceased said, "You have no right to shoot in a place like this; the police would not allow it if they knew it." Prisoner said, "Ain't I; I will shoot you." He put the gun to his shoulder, and shot him. It was right up to his shoulder. Did not notice if he put shots in. I was about a yard from the deceased; prisoner about a yard and a half.

Cross-examined.—The prisoner ran away, alarmed; deceased had fell.

Sworn before me, this 8th day of October 1864,

Henry Ford Barclay.

The deposition of *William George Jameson* confirms the two preceding witnesses, and proves the act was done wilfully and maliciously.

The deposition of *John Dawson*, house surgeon, London Hospital, proves the cause of death to arise from the gun-shot wound in the face.

Extract from the "Times" Newspaper, Thursday, 27 October 1864.

John Mordaunt surrendered to his bail on a charge of shooting a boy, named Henry Brinsley Jameson, in Epping Forest.

Mr. Kemp prosecuted and Mr. Sleigh defended.

After this case had been partially heard,

Mr. Justice Willes said the evidence was insufficient to sustain a charge of manslaughter, although there had been evidently gross negligence, and the prisoner was acquitted.

(1815—1836.)

The Hon. *J. K. Howard* to Mr. *W. B. Jameson.*

Office of Woods, &c.
30 Nov. 1864.

Sir,

Your letter of the 14th instant, addressed by mistake to the Chief Commissioner of Her Majesty's Works, has been forwarded to me. In that letter you bring under my consideration the circumstances connected with the recent death of your son, shot while gathering blackberries in Epping Forest, by one John Mordaunt; and you forward copy depositions of witnesses before the magistrates, and quote the remarks of Mr. Justice Willes on the trial of the offender, directing a verdict of "not guilty" on the indictment as for manslaughter, the case on the facts stated being one either of wilful murder or nothing.

In further parts of your letter you state that you are informed that many deputations to shoot in the forest have of late years been granted to improper persons; and you appear to entertain the feeling that had the Crown appointed verderers for the forest, and registered in the Verderers' Court the deputations granted by the Crown officers, that court might have exercised some sort of control over the deputations, and the lamentable occurrence would not have happened.

While I deeply lament the sad event which has deprived you of your son, I have, in reply to your letter, to state that you have been misled by erroneous information as regards my powers and duties in relation to Epping Forest.

Under the authority of the Act 10 Geo. 4, c. 50, the Commissioner of Woods has power to grant licenses to hunt, shoot, &c., over such portions of Epping Forest as have not been disafforested, without any obligation to present any such authority to the Court of Verderers; nor would such court, if it existed, have any power or authority to control the powers of the Commissioner of Woods as respects the granting of deputations.

With reference to the remark in the postcript to your letter, that the Crown had neglected to appoint a verderer—that consequently no Verderers' Court can be held—and that had the Crown made such appointment, your son's life would not have been lost, I beg leave to inform you that neither the Crown or its officers have any power to appoint a verderer, such appointments resting entirely with the freeholders of the county.

It appears to me, therefore, that the very serious imputation made in the postscript to your letter is wholly unfounded.

As regards the many deputations which you are informed have been granted of late to improper persons, I have to state that not more than nine gentlemen

gentlemen have been authorised by me to shoot in the forest within the last nine years; and I am not aware that there was any reason why this privilege should not have been granted to them.

I am, &c.
(signed) *James K. Howard.*

Mr. W. B. Jameson,
12, George-street, London Fields,
Hackney.

(1815—1836.)

The Hon. *J. K. Howard* to Mr. *C. Watkins.*

Office of Woods, &c.
Sir, 30 Nov. 1864.

The recent death of the son of Mr. Jameson, of 12, George-street, London Fields, caused by one John Mordaunt, when shooting without license or authority, in Epping Forest, appears to render it necessary that I should remind you of the necessity of repressing, as far as practicable, the improper use of fire-arms within the forest. And I request that you will forthwith report what course is usually adopted by you in cases in which shooting in the forest by persons not duly qualified may come under your observation.

I am, &c.
(signed) *James K. Howard.*

Mr. Charles Watkins.

Similar letter to Mr. Robert Rounding.

Mr. *C. Watkins* to the Hon. *J. K. Howard.* App. No. 3.

The Lodge, Chingford,
Sir, 2 Dec. 1864.

I received your letter, and beg to state the usual course adopted by us when we find anyone shooting in the forest without authority: we take their guns away and prosecute them; but in such cases where boys are found shooting small birds, we stop their proceedings, and caution them not to do the like again.

I am, &c.
(signed) *Charles Watkins,*
Purlieu Ranger of Epping Forest.

Mr. *R. Rounding* to the Hon. *J. K. Howard.*

Sir, Woodford, 2 Dec. 1864.

In answer to your communication, which I had the honour to receive yesterday, I beg to state that our usual practice is, when finding persons with fire-arms—who are no duly qualified—to summons them before the bench of magistrates.

In some cases, where the offenders have been young, we have not taken them before the magistrates, but have taken their guns away from them, and restored them to their friends when called for.

I have, &c.
(signed) *Robert Rounding,*
Under Keeper, Epping Forest.

To the Honourable J. K. Howard.

Appendix, No. 4.

App. No. 4.

A COPY of the Act 20 Henry 3, c. 4, conferring certain RIGHTS on LORDS of MANORS, commonly called the STATUTE of MERTON.

In what Cases Lords may approve against their Tenants.

2 Inst. 84.
1 Roll, 365.
8 Ed. 3, 39.
7 Ed. 3, 67.
Mirror, 318.
Enforced by 3 & 4 Ed. 6, c. 3.

ALSO because many great men of England (which have infeoffed knights and their freeholders of small tenements in their great manors) have complained that they cannot make their profit of the residue of their manors, as of wastes, woods, and pastures, whereas the same feoffees have sufficient pasture, as much as belongeth to their tenements; (2) it is provided and granted, that whenever such feoffees do bring an assise of novel disseisin for their common of pasture, and it is knowledged before the justices, that they have as much pasture as sufficeth to their tenements, and that they have free egress and regress from their tenement unto the pasture, then let them be contented therewith; and they on whom it was complained shall go quit of as much as they have made their profit of their lands, wastes, woods, and pastures; (3) and if they alledge that they have not sufficient pasture, or sufficient ingress and egress according to their hold, then let the truth be inquired by assise; (4) and if it be found by the assise, that the same deforceors have disturbed them of their ingress and egress, or that they had not sufficient pasture (as before is said) then shall they recover their seisin by view of the inquest: so that by their discretion and oath the plaintiffs shall have sufficient pasture and sufficient ingress and egress in form aforesaid; (5) and the disseisors shall be amerced, and shall yield damages, as they were wont before this provision; (6) and if it be certified by the assise, that the plaintiffs have sufficient pasture, with ingress and egress, as before is said, let the other make their profit of the residue, and go quit of that assise.'

Enforced and extended by 13 Ed. 1, Stat. 1, c. 46.
2 Vern. ca. 290, 322.
And see 29 Geo. 2, c. 36, for enclosing Commons, with consent of Lords and Tenants, for planting Timber.

Appendix, No. 5.

App. No. 5.

LETTER addressed to the Chairman by the Honourable *J. K. Howard.*

Dear Sir, 1, Whitehall Place, 22 May 1865.

WITH reference to the Resolution of the Committee on Commons and Open Spaces, which you handed to me at the close of my examination, expressing a wish to have before them the cases and opinions of the law officers of the Crown referred to in my evidence, provided there was no objection to their production, I beg leave to acquaint you that I have submitted a copy of the Resolution to the Lords of the Treasury, who have informed me in reply, that, for obvious reasons, it has hitherto been the invariable practice to refuse to communicate to the public cases submitted to the law officers of the Crown for their opinion on questions for the guidance of Her Majesty's Government.

I trust, therefore, that, under these circumstances, both you and the Committee will be good enough to excuse me from producing them in the present case.

I remain, &c.
(signed) *James K. Howard.*

John Locke, Esq., M.P.

Appendix, No. 6.

CORRESPONDENCE RELATING TO EPPING FOREST.

— No. 1. —

The Hon. *J. K. Howard* to the Lords Commissioners of the Treasury.

Office of Woods, &c.,
Whitehall-place, S.W.,
My Lords, 11 February 1864.

In bringing under your Lordships' consideration the present state and circumstances of that portion of Waltham Forest, usually called the Forest of Epping, I beg leave to refer to the Fifteenth Report of the Commissioners appointed under the Act 26 Geo. 3, c. 87, to inquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, which Report is dated 28th March 1793, presented to Her Majesty and to Parliament, and ordered by the House of Commons to be printed on the same day.

The Commissioners reported that this "forest was formerly called the Forest of Essex, being the only forest in that county, and anciently comprehended almost the whole of it. By a charter or grant of King John, dated 25th March, in the fifth year of his reign, and confirmed in the eighth of Edward the Fourth, all that part of the forest which lay to the north of the highway from Stortford to Colchester (very distant from the present boundaries) was disafforested. The forest was further reduced by a perambulation made in the 29th of Edward the First, in pursuance of the Charta da Foresta; but the metes and bounds of it were finally settled by an inquisition and perambulation taken on the 8th September 1640, by virtue of a Commission under the Great Seal of England, in pursuance of the Act of the 16th of Charles the First, for settling the bounds of the forests."

The boundaries fixed by that perambulation, of which a copy was inserted in the Appendix to their Report, comprehended 12 parishes, lying wholly within the forest, and parts of nine other parishes, which are situated partly within and partly without the forest, viz. :—

Parishes wholly within the Forest.	Parishes partly within the Forest.
Wanstead.	Stratford.
Layton.	East Ham.
Walthamstow.	West Ham.
Woodford.	Little Ilford.
Loughton.	Great Ilford.
Chigwell.	Barking.
Lambourn.	Da genham
Stapleford Abbotts.	Navestock.
Waltham Holy Cross.	Theyd on Bois.
Epping.	
Nasing.	
Chinkford.	

According to a computation made by those Commissioners, the forest contained, in all, about 60,000 statute acres, of which about 48,000 acres were the estimated contents of inclosed private property, and the remaining 12,000 acres the amount of the uninclosed woods and wastes. App. No. 6.

The lands which belonged to the Crown in this forest, exclusive of some detached parts granted by lease, are situated in the part called Hainault Forest, or, more properly, East and West Hainault Walks, and lie within the parishes of Barking and Dagenham.

The Commissioners of Inquiry say they have not met with any proof of the Crown being entitled to any other lands within the forest than those comprehended in the foregoing statement, except such as were held under leases from the Crown, and included in the Schedule annexed to their First Report as part of the demised land revenue.

The Commissioners further say, that the Crown has in this, as in other forests, an unlimited right to keep deer in all the uninclosed woods and wastes within the perambulation, unless some parts had been disafforested by grants which had not come to their knowledge; and the owners and occupiers of lands within the bounds of the forest had a right of common of pasture for horses and cows, no other cattle being commonable in the forest.

The Commissioners further say, that the extent of the open forest was not inconsiderable, the King's Wood in East and West Hainault containing by statute measure 2,939 acres, and the rest of the open forest in which the soil belongs to private proprietors, containing by computation about 9,000 acres. In both the Crown had the unlimited right to keep deer, and the different parishes and estates had the rights of common which they had already described.

The Commissioners' recommendations, as to the future management of the forest, are as follows, viz. :—

"We therefore humbly recommend that an Act of Parliament should be passed by which his Majesty should be enabled to appoint Commissioners, who should be authorised, on the part of the Crown, to disafforest all or any part of the forest, to purchase such rights to fuel or common of pasture in the King's Woods as those entitled to them may be disposed to part with, and to sell such rights as the Crown possesses over the property of others in this forest, or to set off the one against the other, and ascertain the difference to be paid or received.

"If it should be found, notwithstanding the representations made to us, that the far greater part of the neighbouring proprietors and occupiers of land are, on account of the pleasure of the chase, adverse to a general disafforestation, or to a disafforestation of the 9,000 acres before mentioned,

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tioned, in which the soil does not belong to the Crown, it may, perhaps, be doubtful, whether in a situation so near to the capital, an inclosure of that part ought to be earnestly desired, but though the deer should be left in that extensive district that should not prevent an arrangement for the disafforestation of East and West Hainault (which is entirely separate and at a considerable distance from the other), or of the estates which have rights upon it, if that should be desired by the owners."

In their 17th and last Report, the Commissioners in summing up their recommendations say, "That when the rights preserved in any forest are found to be of little advantage to the Crown, they should be sold to the persons over whose estates they extend."

The Commissioners appointed to inquire and report upon rights or claims over the New Forest and Waltham Forest, under the Act 12 & 13 Vict. c. 81, reported on the 16th May 1850, as regarded this forest, as follows:—

"Regarding Waltham Forest little need be said, because much of what is stated in our Secretary's sub-report on that forest, and much also of what we have here observed relative to the New Forest, may on subsequent inquiry be found applicable.

"There is indeed the difference between the New Forest and Waltham Forest, viz., that while 66,000 out of the 92,000 acres of the former are the entire property of the Crown, in the latter not much more than 3,000 out of the 60,000 acres appear to belong to it, the rest of the forest belonging to private individuals, subject only (more or less) to the forestal rights thereover.

"Again, with reference to that part of the forest in which the soil belongs to private individuals, subject only to the forestal rights of the Sovereign, we are unable with our present information to make any accurate report applicable to any individual property; at the same time, as regards the assertion of the forestal rights by the Crown, we feel authorised to say thus much generally:

"1st. That the assertion by the Sovereign of those rights over the lands of others may be justified (at all events for the purpose of obtaining an equitable equivalent from the landowners) by the considerations that the greater part at least of the lands in question once were the property of the Crown, and were originally granted, subject to such rights; that the fact of their being so subject has been known to all in all times, and in the event of purchase or sale, has had its influence on the price or purchase money, and that the assertion of the rights is now made, not so much for the private advantage of the Sovereign, as for the general benefit of the public.

"2d. That if a forest be admitted to exist, we cannot but suppose that the Forest Laws, so far as they are not inconsistent with, and have not tacitly or by implication been modified or abrogated by Statute Laws, still prevail therein, and that the enforcement of them for the benefit of the community at large (though this be a question of expediency which we are not authorised to determine) cannot, so far as we can see, be construed into an injustice, or be made the subject of any well-grounded complaints.

"3d. Without referring directly or indirectly to any particular case, we apprehend that if land belonging to a subject be part and within the regard of a legal forest, neither its owner or anyone else can inclose any part of it, so as to exclude the beasts of the forest or interfere with the general forestal right of the Sovereign, except with his consent; and that any claim so to inclose such land is a contradiction in terms, an allegation that the land in question at once is and is not part of the forest. Where, however, it is admitted that the land in question is part or within regard of the forest, then the issue arising is an issue of fact, to decide which litigation, or at all events some adequate judicial inquiry, may be necessary.

"It should be observed that the claims, viz., of inclosing their own lands, set up by some of the landowners in this forest, are contested by other land and house owners there, and denounced as illegal, not only as against the Sovereign, but as against the latter class of proprietors.

"These persons assert that their own rights of common are wrongfully affected by such inclosures; as, however, the maintenance of this assertion and of their own alleged rights might be difficult, and would certainly be expensive, they request the intervention of the Sovereign, as lord of the forest, to abate the obnoxious inclosures for them, and thereby afford them indirectly the redress which they hesitate to seek for themselves directly, as suitors at common law.

"Experience has shown that such proceedings by the Lord of the Forest are tedious and expensive, and your Lordships may think it unreasonable that the Crown or public should be burthened with such expenses, unless such proceedings be attended by some adequate public advantage.

"If, therefore, the lords of manors, landowners, and others in this forest, will consent to some reasonable agreement or composition for the settlement of the numerous disputes and difficulties which now beset the question, we have no hesitation in saying that such might conveniently be accepted by your Lordships, the deer being withdrawn, and the whole forest disafforested; but if such agreement or composition cannot be effected, it will be a matter for your Lordships to determine whether and how far the Crown or public ought to incur the heavy expense of maintaining forestal rights over the non-demesne portions of this forest, for the benefit of the local proprietary, and without any adequate advantage to the Crown or public."

East and West Hainault (otherwise the King's Woods) have been entirely disafforested, subdivided, and inclosed under the authority of the Acts 14 & 15 Vict. c. 43, and 21 & 22 Vict. c. 37, and of the awards of the Commissioners appointed under the authority of those Acts respectively, dated 6th November 1852.

In a Treasury Letter to this department of 24th March 1852, your Lordships observed that before giving directions for the preparation of an Order for the assignment of Hainault to Mr. Gore, you wished to obtain the opinion of this department on a question which had been suggested to your Lordships regarding the future control over the remaining portion of the Forest of Waltham, which consisted of Epping Forest, and in which the rights of the Crown were of little available value.

In obedience to these directions, Mr. Gore and Mr. Kennedy, on 7th April 1853, reported that in Epping Forest the forestal rights of the Crown, and its officers, and the Forest Laws, and the jurisdiction of the Forest Courts, still subsisted; but that the Crown's interest in Epping was in respect of its forestal rights only, and did not embrace any estate in the soil; and that they concurred

curred in a report from the solicitor of the Royal Forests upon the impracticability of placing Epping Forest under the control of the Crown Receiver of the county of Essex, and that that Forest should continue under the management of Mr. Kennedy, with the other Royal Forests in which forestal rights still subsisted, and with regard to which Mr. Kennedy would submit a special report to your Lordships.

On the following day, 8th April, Mr. Kennedy reported to your Lordships that he had always entertained, and still entertained an opinion that if it were possible to disafforest Epping, to prevent subdivision by inclosure, and without cost to the Crown or to the public, to preserve it for the enjoyment of the public, it would be an advisable object; but having regard to the great difficulties known to the solicitor, and partially known to himself, he had reluctantly come to the conclusion that the course indicated by the solicitor, that of bringing to sale the rights of the Crown, was probably the only course which could practically be adopted; and if your Lordships concurred in the propriety of that course, he was of opinion that its adoption ought not to be delayed, as Epping Forest could only be a source of expense, and its present condition, social and economical, was in the highest degree unsatisfactory.

On the 19th April 1853, the solicitor for the Royal Forests transmitted to Mr. Kennedy a letter which he had that morning received from the Attorney General, inclosing a certificate of the verderers of Waltham Forest, forwarded to him under 10 Geo. 4, c. 50; and the solicitor reported that he believed that the lands in question did not belong to the Crown, and that the Crown had only a naked forestal right over them; and he suggested that the Commissioners' views upon the subject of the Crown's rights in that forest, together with a copy of a recent report made by him thereon, should be submitted officially to the Attorney General and Mr. Willes, for them to advise on this presentment, as the time had now arrived when he thought it exceedingly desirable, indeed necessary, that some determination should be come to as to the mode in which the Crown's rights in this forest were to be dealt with.

The Attorney General in his letter said he apprehended that the proper course would be that an inquiry should be made, and a report thereon, as to whether the interests of the Crown required that any proceedings should be taken to maintain the Crown's rights. Also whether the lands in question belonged to the Crown, or whether the Crown had only a right of forest over them.

A statement of facts was, thereupon, prepared and submitted to the Attorney General and Mr. Willes, with prints of the Report of the Commissioners appointed by the Act 12 & 13 Vict. c. 81, to inquire into and report upon rights or claims over Waltham, and also the New Forest, and the sub-report of their Secretary (Mr. Hume) to advise in conference upon the presentment made by the verderers of the forest, and as to the course which, under the circumstances, should be pursued with regard to the Crown's rights over it.

The Attorney General and Mr. Willes advised as follows, viz.:—

"We have considered the facts relating to Epping Forest, and are of opinion that, under all the circumstances, it would not be expedient to institute legal proceedings.

"We think that it will be desirable and proper to dispose of the forestal rights of the Crown in this forest, at such reasonable prices as may be obtained under the powers contained in 10 Geo. 4, c. 50, s. 98, and 16 & 17 Vict. c. 56, s. 5.

"*A. E. Cockburn.*
"*W. Henry Willes.*"

"Temple, 12 November 1853."

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On the 8th December 1853, Mr. Kennedy reported to your Lordships, with a copy of the above opinion, and recommended, should your Lordships think fit, that he should receive your authority for taking the necessary steps for carrying out the opinion of the Attorney General and Mr. Willes.

On the 24th of December following, your Lordships, by Mr. Wilson's letter of that date, authorised Mr. Kennedy to take measures for the sale of the forestal rights of the Crown in Epping Forest, according to the opinion of the Attorney General and Mr. Willes.

Messrs. Driver, land surveyors, were thereupon directed to make a survey, map, and valuation of the Crown's rights in the encroachments and remaining open wastes within the southern division of the forest.

Messrs. Driver accordingly proceeded with the execution of this service, and on the 14th November 1854 they forwarded to this office a map and book of survey and valuation, showing the situation, extent, and value of the Crown's forestal rights in and over all the remaining open wastes of the forest and lands encroached and inclosed. This survey and valuation was transmitted to your Lordships with Mr. Gore's report of 29th December 1854, in which Mr. Gore stated that, although your Lordships' authority for the sale of the forestal rights of the Crown was contained in Mr. Wilson's letter of 24th December 1853, nevertheless, having regard to the novelty and importance of the measure, he considered it better to bring the matter under your notice, and to request that a warrant might be issued under the provisions of the Act 10 Geo. 4, c. 50, s. 98, authorising the sales at the prices mentioned in Messrs. Driver's valuation, or at such other prices as he might be advised by a competent surveyor to be the full and fair worth of the forestal rights of the Crown over that (the southern) portion of the forest.

Your Lordships' warrant authorising the sale was, accordingly, issued under date 26th January 1855; and circular notices were addressed by Mr. Gore to the several lords of manors, and to the reputed holders of the encroachments, informing them respectively that he was prepared to negociate with them for the sale of the Crown rights.

The course taken in regard to the sale of the Crown's forestal rights in the northern, was the same as that adopted in the southern division. On the completion of Messrs. Driver's survey, map, and valuation of the northern portion, it was communicated to your Lordships by my report, dated 2d July 1857; and your Lordships' warrant, dated 7th August 1857, was thereupon issued to me, authorising the proposed sales.

The particulars of all sales effected were from time to time reported to Parliament in the annual reports of this department.

The particulars are also shown in a Return presented to Parliament, 7th August 1862, in reply to an Address of the House of Commons, dated 20th June in that year.

The sales and grants which have, from time to

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time, been made by the Commissioners of Woods, &c., of the forestal rights of the Crown over the lands of the subject within the ambit of this forest, extended over an area of 4,054 A. 2 R. 10 P.; and the consideration money received by the Crown for the sale of the forestal rights, amounts to 18,503 *l.* 16 *s.* 3 *d.*

According to Messrs. Driver's survey and map the open wastes of the forest and the encroachments therefrom, over which the forestal rights have not yet been sold, extend to 3,025 A. 1 R. 14 P.; and the price at which the forestal rights over these last-mentioned lands have been valued amounts to 12,187 *l.* 1 *s.* 6 *d.*

Upon the lands shown in Messrs. Driver's survey as open wastes, some considerable encroachments or proceedings, opposed to the Crown's claim of forestal rights, have since the date of those surveys been made, particularly within the Manor of Chingford St. Paul's, by or under the authority of Mr. Hodgson, the Lord of that Manor. These inclosures by Mr. Hodgson, or by his grantees, now extend to about 300 acres of the wastes which have been grubbed and cleared for cultivation, to the exclusion of the deer and other beasts of the forest, if any, and in derogation of Her Majesty's forestal rights.

Several communications were held with Mr. Hodgson on the subject of these inclosures, but that gentleman has not purchased the Crown's forestal rights; and in 1861, and on 29th October 1862, Mr. Hodgson was informed by me, that unless the Crown's forestal rights in these encroachments were purchased, the case would be laid before the law officers to take proceedings for the vindication of the Crown's rights; but Mr. Hodgson has failed to make any arrangements for the purchase.

An impression has been somewhat generally entertained among the residents in the forest, and in the metropolis, that if the Crown would not sell or part with its forestal rights, the wastes of the private lords of manors might be converted into, or used as a park or pleasure-ground for the inhabitants of the metropolis, or something of the nature of a park or pleasure-ground for the public. And the House of Commons, 13th February 1863, voted an Address to Her Majesty, praying that she would be graciously pleased to give directions that no sales to facilitate inclosures be made of Crown lands or Crown forestal rights, within 15 miles of the metropolis.

Her Majesty's reply, 24th February 1863, signified to the House that the desire conveyed to her by that Address should receive due consideration; and in accordance with this expression of Her Majesty's pleasure, no new treaties for the sale of forestal rights in Epping have been entered upon, and the several sales of such rights bearing a subsequent date, as detailed in my Reports to Parliament, are merely records of the completion of transactions which had been agreed upon, and the purchase moneys paid previous to that date.

On 3d March last, 1863, the House of Commons voted the appointment of a Select Committee "To inquire into the Condition and Management of the Royal Forests in Essex, and into any Inclosures which may have taken place therein since the Report of the Commissioners of 1850; and to consider whether it may be expedient to take any steps for preserving the Open Spaces in the said Forests."

The Committee was accordingly appointed, heard evidence, and their Report, with evidence, and an appendix of documents, was presented and ordered to be printed, 9th June 1863, No. 339.

The Committee reported that the forestal rights of the Crown consist of the deer, then herbage, vert, and browse, and the power to enforce a fence month, 15 days before and 15 days after Old Midsummer-day, during which the whole of the commoners' stock is removed; that the Crown has all wild beasts in the forest, and has power to compel all inclosures in the forest to be kept at a height not exceeding four feet, that the deer may have free range; that the wild animals have long been extinct, and the deer nearly so; that the forest in 1793 had its full complement of officers, viz., warden, deputy wardens, verderers, foresters, and rangers, and was fully stocked with red and fallow deer; but that now officers and deer seem nearly alike extinct; the warden only in name, one remaining verderer; that no courts have been held for several years; but that the Crown's forestal rights, though producing nothing to the revenues of the Crown, have contributed to keep in a state of wild forest land a considerable space of open ground in the neighbourhood of the metropolis, which has been a source of health and recreation to many of its crowded population.

That, since that year 1855, the forestal rights of the Crown over about 3,513 acres have been sold by the Commissioners of Her Majesty's Woods for 15,795 *l.* 10 *s.* 6 *d.*, and that a nearly equal quantity of land remains for disposal.

That a considerable quantity of land has been inclosed without any consideration being paid for the Crown's forestal rights; and the Committee recommend that immediate steps be taken by the Crown to assert its right and to abate such inclosures.

That two courses presented themselves to the Committee as applicable to the remaining portions of the forest.

1. To discontinue the sale of the forestal rights of the Crown, vigilantly to maintain those rights, without regard to the question of costs, for the purpose of preventing all future inclosures, and to preserve the forest in its present extent and wild uninclosed condition.

2. The other course is to obtain the sanction of Parliament for the inclosure of the remaining portion of the forest, to ascertain the rights of the several parties interested, and to make provision partly by those means, and partly by purchase, for securing an adequate portion of the forest for those purposes of health and recreation for which it has been proved to your Committee this forest has from time immemorial been enjoyed by the inhabitants of the neighbourhood and the metropolis.

The Committee was of opinion that to employ the forestal rights of the Crown for the purpose of obstructing that process of inclosure to which the lords, commoners, and copyholders of the manors comprised within the forest are entitled, in common with all other persons similarly situated, would not only be a course of doubtful justice, but might, in accordance with the experience of the past, fail to secure the desired object.

The Committee, therefore, recommend the adoption of the second alternative.

The mode in which this recommendation should be carried into effect is not pointed out in the Committee's Report; and considering the great variety of the circumstances of the several manors within

within which the Crown is still entitled to forest rights, it is probable that proceedings for the course of enclosure suggested by the Committee must be left to be originated by the several lords of manors, which would probably result in the gradual absorption of the forest for agricultural or building purposes, with inadequate arrangements for the public recreation.

With reference to the first or rejected course suggested by the Committee, it is submitted that, even when the forest laws were in full vigour, they could not be made available for the purpose of converting a forest into a public park or pleasure ground over the lands of the Crown, much less over lands of a subject; that the forest laws have in this forest almost fallen into desuetude; and that if the sales of the forestal rights be stopped, those rights may in a few years be altogether lost. That the stock of deer is nearly extinct; that with the great increase of population, the spread of railways, and extension of manufacturing establishments, the maintenance of a stock of deer is out of the question. That the forest courts have fallen into desuetude, and the only course now open to the Crown for preventing or suppressing encroachments would be by information by the Attorney General in the Court of Exchequer; that this proceeding would subject the Crown (or rather during the life of Her Majesty, the Consolidated Fund) to a very heavy expense, and that if the Crown should succeed, no land, nor any right capable of profitable enjoyment could be recovered, but merely a right to prostrate the fences, and to throw the enclosures into open waste again.

It is further to be observed, that the Crown has no power under colour of maintaining the forestal right to convert that bare forestal right into a right for the public generally to exercise and recreate themselves over the wastes of private lords of manors; such a right of exercise and recreation, if it could be created, would seem to be inconsistent with the forest laws, for during the fence month (the best month in the year for exercise and recreation), viz., from 15 days before to 15 days after Old Midsummer Day, every person is strictly forbidden access to the forest for any purpose whatsoever; and any attempt by the Crown officers to revive the forest laws, or to suppress encroachments on the remaining wastes of this forest, would probably be denounced, and be met by the most strenuous opposition, as an encouragement to trespass on the rights of commoners entitled to the surplus herbage after the feed of the deer, and on the rights of the lords of manors as the owners of the soil and of the timber on the wastes of their manors.

It is further to be observed, that the sales of forestal rights already made have produced a capital of 18,503 *l.* 16 *s.* 3 *d.* for the hereditary estate of the Crown, resulting in a proportionate addition to the yearly income of the Consolidated Fund, and that those sales have in no respect in law altered or abridged any rights which the public, or the tenants, or residents of the several manors could lawfully claim over the lands.

Although Mr. Hodgson, in the Manor of Chingford St. Paul's, is practically ignoring the existence of any Crown right, or assuming that the right, if any, will not be enforced by a long and expensive litigation of doubtful result, there are other lords of manors and holders of encroachments who, it is believed, would be disposed to treat for the purchase and extinction of those rights over their lands. But the Resolution of the House of Commons and the Report of the Committee, which are at variance with the decisions of the Executive Government as to the principles upon which these rights should be dealt with, has precluded me from entering into any treaties for further sales. And it appeared to me to be necessary to submit the whole subject to the Law Officers of the Crown, and to request their advice—

> 1. With regard to the forestal rights of the Crown in and over the waste of the manor of Chingford St. Paul's, and the inclosures recently made therefrom, and the proceedings (if any) to be taken by or on behalf of the Crown, for asserting and maintaining these rights as regards this manor, and
>
> 2. As to the course to be taken by or on behalf of the Crown as respects the remainder of the open wastes of manors and inclosures recently made therefrom, over which the Crown's forestal rights have not yet been parted with.

The opinion of the law officers is expressed in the following terms:

"We are of opinion that great regard ought to be paid to the views expressed by the Committee of the House of Commons, until the House itself shall otherwise determine.

"With respect to Mr. Hodgson's encroachments, it would appear that the pecuniary value of the forest rights over them is such that steps ought to be taken to maintain the Crown's title, whether the policy of selling the forest rights generally be persevered in or not.

"But having regard to all the circumstances, and especially to the fact that any litigation would involve expenditure without any prospect of additional revenue to the Crown, if the course pointed out by the House of Commons be followed, we think that the Commissioners of Land Revenue ought to make a special report on the whole subject to the Treasury, asking for instructions as to what should be done with regard to Mr. Hodgson's or any other considerable encroachments, and requesting attention to the whole subject, as one involving a question of policy, which can only be determined by Her Majesty's Government, and which, if determined in accordance with the views of the Committee of the House of Commons, cannot be satisfactorily dealt with by the Department of Land Revenue without new legislation.

"*Roundell Palmer.*
"*R. C. Collier.*
"*W. M. James.*
"*P. McMahon.*"

"Lincoln's Inn, 21 Dec. 1863."

In compliance with the above opinion I now beg leave to submit the subject for your Lordships' consideration and further directions, merely venturing, in conclusion, to observe, that if it should be decided that the forestal rights of the Crown over the lands of the subject in Epping Forest should be maintained at the expense of this department, for the purpose of recreation and as a park for the benefit of the inhabitants of the metropolis, it would be subversive of the principle which induced the Government and Parliament in 1851 to separate the management of the Land Revenues of the Crown from that of the parks and pleasure grounds of the Sovereign, with the

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the express view of constituting this office a department of revenue alone, and in order to prevent any expenditure upon Crown lands other than what is required for maintenance, and the costs of collection and management.

It must be borne in mind that no revenue can by possibility be derived from the maintenance of the forestal rights of the Crown in Epping Forest, while any attempt to maintain them must of necessity entail a large expenditure, and at the same time perpetuate rights which operate as a serious burden upon the property of the subject.

I enclose herewith the undermentioned papers and documents, which may be necessary to be referred to by your Lordships, and I request that these papers, when no longer required by your Lordships, may be returned to this office.

I have, &c.
James K. Howard.

The Right Hon.
the Lords Commissioners of
Her Majesty's Treasury.

DOCUMENTS HEREWITH SUBMITTED.

25th February 1863	Case, with the opinion of the Law Officers,
21st December 1863	Mr. James and Mr. McMahon.
28th October 1863	Supplement to Case.
7th August 1862	Return as to the nature of Forest Rights. Ordered 20th June 1862.
16th May - 1850	Report of Commissioners of Inquiry, New Forest and Waltham Forest.
9th June - 1863	Report of Select Committee of House of Commons on Royal Forests, Essex.

— No. 2. —

The Secretary of the Treasury to the Chairman of the Metropolitan Board of Works.

Treasury Chambers,
Sir, 14 June 1864.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that my Lords have had under their consideration the subject of the maintenance of the Crown's rights over the Forest of Waltham, called Epping, in consequence of proceedings in Parliament during the Session of 1863.

By a Resolution of the House of Commons, on the 3d March 1863, a Select Committee was ordered to be appointed to "Inquire into the Condition and Management of the Royal Forests in Essex, and into any Inclosures which may have taken place therein since the Report of the Commissioners of 1850; and to consider whether it may be expedient to take any steps for preserving the Open Spaces in the said Forest."

The Committee appointed in pursuance of this Resolution, after explaining the nature and extent of the Crown's rights over the Forest of Epping, reported that, in 1855, proceedings were taken for the sale of these forestal rights, which had led to the disposal thereof over 3,513 acres, and that a nearly similar quantity remained for disposal, a considerable portion of which was being treated for by the owners of the soil; but that, in consequence of a recent Resolution of The House of Commons, passed on the 13th February 1863, these further sales remained in abeyance.

The Committee further reported that a considerable extent of ground had been inclosed without any consideration being paid for the forestal right of the Crown, and recommended that immediate steps be taken by the Crown to assert its right, and to abate such inclosures.

The recommendations of the Committee are comprised in the following paragraphs of their Report, viz.:

"Two courses presented themselves to the Committee as applicable to the remaining portion of the Waltham Forest; one is, to discontinue the sale of the forestal rights of the Crown, vigilantly to maintain these rights without regard to the question of cost, for the purpose of preventing all future inclosures, and to preserve the forest in its present extent and wild uninclosed condition. The other course is to obtain the sanction of Parliament for the inclosure of the remaining portion of the forest, to ascertain the rights of the several parties interested, and to make provisions partly by these means, and partly by purchase, for securing an adequate portion of the forest for these purposes of health and recreation, for which it has been proved to your Committee this forest has, from time immemorial, been enjoyed by the inhabitants of the neighbourhood and the metropolis."

"Your Committee are of opinion that to employ the forestal rights of the Crown for the purpose of obstructing that process of inclosure to which the lords, commons, and copyholders of the manors comprised within the forest are entitled, in common with all persons similarly situated, would not only be a course of doubtful justice, but might, in accordance with the experience of the past, fail in securing the desired object."

"They, therefore, recommend the adoption of the second alternative."

I am to observe, that these recommendations, coupled with the Resolution of the House of Commons, against the sale of the forestal rights of the Crown, place Her Majesty's Government in considerable difficulty regarding the exercise of future control over this forest.

It will be observed from the Report, and the evidence taken by the Committee, that the Crown has no rights over the forest, except to preserve it as an open space for the purpose of hunting deer and wild beasts; and as these rights are now no value to the Crown except for sale, the suggestion that the Crown shall take measures for asserting its right, and for abating inclosures, would entail a heavy charge on the land revenues, which, under the Acts for their management, Her Majesty's Government would not be justified in incurring, as the expenditure would lead to no return for the profit of the State. Without entering, therefore, into the reasons which have led the Committee, on their final review of the question, to contradict the suggestion contained in a previous paragraph of their Report, my Lords hesitate to take any steps with a view to that object.

Their Lordships are even more unable to act upon the second alternative proposed by the Committee. Parliament, by the Act 14 & 15 Vict. c. 42, which separated the Departments of Woods, Forests, and Land Revenues, and of the Commissioners of Public Works, assigned certain Royal parks

parks in the neighbourhood of London to the management of the latter department, in order that they might be maintained principally for the recreation of the inhabitants of the metropolis; and left all other portions of the landed property of the Crown under the management of the Commissioners of Woods, &c., in order that, during Her Majesty's reign, the revenues should be administered for the benefit of the Exchequer. By this Act Parliament decided the extent to which the recreation of the inhabitants should be provided for, from public funds, and it may be added that it was very liberally provided by annual votes for the maintenance and embellishment of the metropolitan parks and gardens.

Not only, however, does the Act of 1851 define the extent to which public aid should be afforded for this, but the Act 19 & 20 Vict. c. 112, s. 10, clearly throws on the Metropolitan Board of Works the duty of providing any addition to the public parks which circumstances may require.

My Lords, therefore, before they decide upon any further proceedings on this subject, wish to ascertain whether the Metropolitan Board of Works is disposed to take any measures for obtaining Parliamentary powers for the inclosure of Epping Forest as a place of recreation under the authority of the enactment in question. If they should be disposed to do so, my Lords will be prepared to consider any arrangements for the cession of the rights of the Crown which may be necessary for effecting the object in view.

I am, &c.
(signed) *F. Peel.*

The Chairman of the
Metropolitan Board of Works.

— No. 3. —

The Chairman of the Metropolitan Board of Works to the Secretary of the Treasury.

Metropolitan Board of Works,
Spring Gardens, S.W.,
Sir, 22 June 1864.

Having laid your letter of the 14th instant, suggesting the purchase by the Metropolitan Board of Works of the forestal rights of the Crown over Epping Forest, before my colleagues, they have referred the question to a Committee for investigation, and they have requested me to obtain some further information, in order to enable them to arrive at a definite opinion upon their reference. You are doubtless aware that the forest in question lies wholly beyond the area of their jurisdiction, neither they nor their officers therefore possess any accurate knowledge as to the situation, extent, or limits of the forest with which they are invited to deal; they will therefore be glad to be favoured with a copy of any map or plan which will put them in possession of all the physical facts concerning the subject under their consideration.

Each of our members has been furnished with a copy of the Report of the Royal Commission of 1850 on the New and Waltham Forests, and of the Report of the Select Committee on Royal Forests (Essex) 1863; but from the perusal of these, they gather that there must be opinions of the law officers of the Crown, and other documents, which afford a clearer view of the nature of the forestal rights, and the steps necessary for their maintenance: they conceive that they should be furnished with at least so much of these papers as may enable them clearly to apprehend the rights and powers which you propose to convey to them. App. No. 6.

Their attention has been specially directed to that paragraph of your letter in which you say that "the suggestion that the Crown should take measures for asserting its right, and for abating inclosures, would entail a heavy charge on the land revenues," and they seek to ascertain, as correctly as possible, what is the nature of this charge, and what would be its average annual amount.

Lastly, they wish me to ask you, in the event of their being disposed to take any measures for obtaining Parliamentary powers for the inclosure of Epping Forest as a place of recreation, what are the arrangements which will be necessary for the cession of the rights of the Crown, what expenses would be incurred by the Board, and what liabilities would they have to assume, other than those above enumerated.

I have, &c.
(signed) *J. Thwaites,*
Chairman.

Right Hon.
Frederick Peel, M.P.

— No. 4. —

The Secretary of the Treasury to the Honourable *J. K. Howard.*

Treasury Chambers,
Sir, 8 July 1864.

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit herewith, with reference to your Report of the 11th February last, copies of correspondence between this Department and the Metropolitan Board of Works, relative to the disposal of Epping Forest; and I am to desire that you will place yourself in direct communication with the Metropolitan Board of Works, with a view to affording them all the information which may be necessary for their guidance as to the measures they think fit to submit to Her Majesty's Government for maintaining the forest as a place of public recreation.

I am, &c.
(signed) *F. Peel.*

The Hon. James Howard,
&c. &c. &c.

— No. 5. —

The Secretary of the Treasury to the Chairman of the Metropolitan Board of Works.

Treasury Chambers,
Sir, 8 July 1864.

The Lords Commissioners of Her Majesty's Treasury have had before them your letter of the 22d ultimo, and their Lordships have directed me to point out to you, that my Lords have not proposed the sale to the Metropolitan Board of Works of the forestal rights of the Crown over Epping Forest, or the imposition upon that Board of any other expense, except so far as might be necessary to carry out any plan for the maintenance of a place of public recreation in the forest.

My Lords would wish to leave the Metropolitan

App. No. 6.

Board of Works unfettered in consideration of such measures, whether by the inclosure of the forest or otherwise, as they may deem it right to submit to Her Majesty's Government for this purpose; and in order to facilitate such consideration of the question, their Lordships will instruct Mr. Howard, the Commissioner in charge of the Royal Forests, to enter into direct communication with the Metropolitan Board of Works, with a view to affording them all the information which may be necessary for their guidance.

I am, &c.
(signed) *F. Peel.*

The Chairman of the
Metropolitan Board of Works.

— No. 6. —

Mr. *Cresy* to the Honourable *J. K. Howard.*

Metropolitan Board of Works,
Sir, Spring Gardens, 9 July 1864.

The Chairman has just received a communication from Mr. F. Peel, stating that the Lords of Her Majesty's Treasury intend instructing you to enter into direct communication with the Metropolitan Board of Works, with a view to affording them all the information which may be necessary for their guidance in reference to the acquisition by them of the forestal rights of the Crown over Epping Forest.

The Chairman will be glad to receive an intimation from you as soon as it may be convenient to you to arrange an interview with him on the subject.

I am, &c.
(signed) *E. Cresy.*

Hon. J. K. Howard.

Note.—Consequent upon the receipt of this letter, an interview took place between the Chairman and Secretary of the Metropolitan Board of Works, Mr. Howard, and Mr. Gardiner, the Solicitor to the Royal Forests, on the 19th of July 1864, when the nature of the Crown's rights in Epping Forest, and the other facts of the case, were fully explained.

Since that interview no further communication from the Lords of the Treasury, or the Metropolitan Board of Works, has been received by Mr. Howard.

— No. 7. —

The Chairman of the Metropolitan Board of Works to the Secretary of the Treasury.

Metropolitan Board of Works,
Spring Gardens, S.W.,
Sir, 18 October 1864.

Having laid your communication of the 8th July last before my colleagues, they, in accordance with your suggestion, authorised me to confer with the Honourable J. K. Howard, the Commissioner of Royal Forests, who, together with Mr. Gardiner, the Solicitor to that Department, has been good enough to afford us the fullest information as to the nature and extent of the Crown's forestal rights over Epping Forest.

We find that the area over which the Crown at present retains any power whatever is subdivided into several detached sections of varying extent, and stretching over a considerable length. Nasingwood Common and Epping Plain are 12 miles beyond the nearest point in the metropolitan boundary; that part of Epping Forest proper which reaches from High Beach to Epping is from eight to 12 miles distant; Chingford Fair Mead is about six miles; that part of the forest which lies between Leytonstone and Woodford is from two to three miles; and Epping Lower Forest, or Wanstead Flats, is about the same distance beyond our jurisdiction. Obviously, the situation of some of these would exclude them from being considered as having any relation to metropolitan purposes; the proximity of others undoubtedly renders it most desirable that they should, if possible, be retained in the present condition; but we found, on investigating the Crown's rights over them, that they were very peculiar and limited. They consist, as we are informed, of the deer, their herbage, vert, and browse; the power to enforce a fence month of 15 days before and 15 days after Old Midsummer Day, the whole of the commoners' stock being removed; the right to all wild beasts in the forest, and power to compel all persons making enclosures to keep their fences of a height not exceeding four feet, that the deer may have free range. Subject to these limitations, the rights of lords, copyholders, and commoners, exist over all the manors within the forest precisely as elsewhere, and the Crown's authority is both difficult and costly to preserve; the old Courts appeared to have fallen into desuetude, and the Crown's only remedy is now by the action of the Attorney General in Westminster Hall.

We were also informed that the Enclosure Commissioners have no power within the forest; for, by ancient custom, the lords, with two of the homage, can effect a legal enclosure in any of the manors included in that jurisdiction without any intervention of the Commissioners whatever, and that this course has already been extensively pursued.

The Board, therefore, upon a review of the evidence they had obtained, considering the peculiar and limited nature of the forestal rights, and the costly and circuitous machinery by which alone they could be maintained, a machinery, moreover, which they were advised it was very doubtful whether they could put in motion; considering further, that they were, by exceptional customs, debarred from the collateral aid of the common legal and statutory provisions for the protection of commons and open spaces elsewhere available, and that the area to be dealt with was wholly beyond their jurisdiction, arrived at the conclusion that the case was not one with which their present powers enabled them to deal, or in which they could advantageously intervene; but they trust that Her Majesty's Government may be able, either by the exercise of the authority which they at present possess, or by such extension and amendment of it as they may be advised is necessary for the purpose, to find means to attain the very desirable object of preserving to Her Majesty's subjects the privileges in relation to the forest which they at present enjoy.

I have, &c.
(signed) *J. Thwaites,*
Chairman of the Metropolitan
Board of Works.

Right Hon. F. Peel, M.P.,
&c. &c. &c.

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TO THE

REPORTS

FROM THE

SELECT COMMITTEE

ON

OPEN SPACES (METROPOLIS).

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1865.

390—I.

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The extent of Banstead Downs is 1,400 acres, *Alcock*, 3283——Exercise by the whole parish of rights of pasture and of fuel; doubt as to these rights being clearly defined, *ib.* 3284-3289. 3312——Valueless character of the pasture at the present time, whilst the downs are generally in a wretched and disgraceful state, *ib.* 3290, 3291. 3316, 3317.

Willingness of witness as lord of the manor to convey gratuitously to the public or to commissioners his entire rights over the downs and in the soil, *Alcock*, 3292-3294, 3313-3315——Contemplated improvement of the downs by the Commissioners laying them down in permanent pasture and planting on portions, but without making any inclosure, *ib.* 3295-3309. 3317-3320——Anticipated satisfaction of the commoners with the proposed arrangement, inasmuch as their rights would be rendered much more valuable, *ib.* 3296-3312.

Absence of difficulty in the conveyance to Commissioners of the rights of the lord of the manor of Banstead over the downs, *Pollock* 3324-3329——Contemplated conveyance of the land to the Commissioners to keep it in trust for the public as an open space, *ib.* 3326-3331——Interest of the commoners in an inclosure of the downs rather than in their being kept open and improved, *ib.* 3330, 3331. 3335-3337——Limited revenue now derived by the lord from gravel; means of income to the proposed Commissioners from this source, *ib.* 3332-3335.

Object of witness in proposing to transfer his rights, that the downs may be reclaimed from their present disgraceful state, and made an ornament to the locality, *Alcock*, 3350——Expense rather than profit to witness in respect of his right of selling gravel from the downs, *ib.* 3353.

Conditions under which the whole of Banstead Downs might be made into regulated pastures through the Inclosure Commissioners; that is, if two-thirds of the commoners, as well as the Lords, gave their consent, *Cooke* 6204-6207. 6219-6225. 6260. 6270-6273.

Barking and Dagenham Inclosures (*Essex*). Reservation of five acres for recreation, and of five for the labouring poor, under the inclosures in Barking and Dagenham, *Cooke* 97——With regard to the reservation of only five acres in the case of Barking Inclosure, this took place before witness was Commissioner, but the matter was sanctioned by Parliament, *ib.* 335, 336——Probability of the population of London not having been considered with reference to the amount reserved in the case of Barking and Dagenham, *Ridley* 373-376.

Barnes Common. Success of the steps taken for the removal of tramps and gipsies from Barnes and Putney Commons; that is, by the appointment of a keeper at each common, *Hon. E. B. Wrottesley* 1073-1082——Payment of the common keeper at Barnes by the residents; amount of the expense, *ib.* 1075. 1081. 1149, 1150——Joint action taken by the keepers at Barnes and Putney with reference to gipsies, and the removal of their vans from the commons, *ib.* 1076-1082. 1096. 1126.

Extent of Barnes Common; it belongs to the Dean and Chapter of St. Paul's, *Hon. E. B. Wrottesley* 1130, 1131——Non-interference with any persons walking on Barnes Common, or with cricketers, *ib.* 1132-1134——Objection of the Dean and Chapter of St. Pauls to any inclosure of Barnes Common, *ib.* 1146-1148.

Bedfont (*Middlesex.*) Explanation as to the Charity Commissioners having authorised the trustees to lease in the case of charity land at Bedfont, *Erle* 4884-4889. 4903-4905.

Bermondsey Park. Negociations on foot for the purchase of a park at Bermondsey, by the Metropolitan Board of Works, *Thwaites* 4248-4250.

Bird, Henry Peale. (Analysis of his Evidence.)—Solicitor; is steward for the manor of Tooting Common, 4016-4019——Belief that there are but two commoners or copyholders having any rights over the common purchased by Mr. Thompson; examination as to the grounds for this conclusion, 4020-4055. 4153 *et seq.*——Information relative to the proceedings in connection with a meeting convened by Mr. Wetherell, the Assistant Inclosure Commissioner; explanation as to no formal decision having been arrived at by Mr. Wetherell or the Commissioners upon the subject of the rights claimed, or the question of inclosure, 4028-4056. 4100-4134.

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Bird, Henry Peale—continued.

Circumstances under which witness was directed by Mr. Thompson in 1861 to purchase the common for him; intention previously of Mr. Miller, Member for Colchester, to have purchased it, 4057–4069——Particulars as to the amount of purchase money, and the property obtained in addition to the mere common, 4070–4097 —— Lapse of time between the purchase and the application to inclose; explanation hereon, that the actual object of the application was not to carry out inclosure, 4100–4121.

Hesitation on the part of the Commissioners to sanction an inclosure of the common; proposition eventually by them, that twenty-five acres should be set out as an allotment for the public, and that the remainder should go to the lord, subject to the common rights, 4122–4139. 4149, 4150. 4221 —— Objection of witness on the part of Mr. Thompson to the foregoing proposal, 4140. 4149——Arrangement recently, whereby it it is intended that the parish shall have a moiety of the common, subject to any rights over the whole, and that the remainder shall be the lord's freehold, subject to a restriction for twenty-one years against building or inclosure, 4141–4152.

Several actions brought by the lord of the manor previously to the recent arrangement; way in which these actions stand pending the arrangement, 4153–4185. 4223–4229—— Agreement by the solicitors on each side, that Mr. Wetherell shall direct how the proposed arrangement is to be carried into effect; there has not however yet been any meeting or consultation of the inhabitants generally, or the copyholders on the subject, 4185–4209.

Blackheath:

1. *Crown Rights, their Value, and how exercised.*
2. *Rights of Lord Dartmouth.*
3. *Other Rights over the Heath; how exercised.*
4. *Area of the Heath.*
5. *Its Value as a place of Recreation.*
6. *Absence, practically, of any Encroachments.*
7. *Complaints as to the state of the Heath, and the want of proper Control.*
8. *Local Association for the protection of the Heath.*
9. *Questions of a Rate on the Locality, or on the Metropolis.*
10. *Suggestions as to the mode of laying out, or preserving the Heath.*
11. *Objection to the Sale of any portion.*
12. *Conclusions of the Committee.*

1. *Crown Rights, their Value, and how exercised:*

Rights of the Crown over a considerable portion of Blackheath, *Farnall* 2774–2776. 2804–2806——Great injury to the heath by the exercise of the Crown's right of digging gravel, *Farnall* 2776–2783. 2804; *Riddington* 2989–2997 —— The Crown and Lord Dartmouth, are Lords of the manor of Blackheath, *Smith* 2832–2836. 2867——Continued exercise by the Crown, of the right of digging gravel, for which it receives 70 *l.* a year, *ib.* 2852. 2862–2867.

Statement as to the Crown letting their right of digging gravel for 70 *l.* a year; detriment to the heath thereby, *Soames* 2885–2893. 2899–2913 ——Reference to a communication from the Crown to the effect that the inhabitants could prevent the digging of gravel by taking a lease of it themselves; comment thereon, *ib.* 2889. 2899–2913—— Lease of the Crown's right to dig gravel, *Riddington* 2991——Uselessness of representations made to Mr. Gore; inability of the latter to accede to the public view that all gravel digging should be stopped, *Hamilton* 3356.

Witness was one of a deputation to Mr. Gore on the subject of the injury to Blackheath from the exercise of the Crown's right of gravel digging, *Airy* 3377——Impression that Mr. Gore considered that his department was not competent to entertain the question of yielding the small revenue derived from the heath, though not more than 70 *l.* a year, *ib.* 3378-3380. 3396–3401——Inconvenient and dangerous manner in which the gravel is worked, *ib.* 3386. 3389, 3390.

Revenue of about 56 *l.* a year derived by the Crown from the sale of gravel from Blackheath; receipt also of from 1 *l.* to 2 *l.* from other sources, *Hon. C. Gore* 3402–3412. 3426–3432 ——The revenue derived from gravel is in the shape of a royalty, *ib.* 3404. 3484, 3485——The Crown does not employ any common-keeper on the heath, but Mr. Clutton is responsible for seeing that no encroachments are made, and no injury done to the Crown's rights, *ib.* 3413–3416. 3422–3424——Duty of witness to derive as much as he can fairly from the Crown property at Blackheath, or elsewhere, without reference to the convenience of the local public, *ib.* 3417 *et seq.*——Belief that the footpaths have not been interfered with by the Crown gravel pits, *ib.* 3420, 3421. 3467, 3468.

Anticipated willingness of the Crown to promote any measure whereby the heath should be preserved entirely for the public; necessity of the Treasury being consulted in the matter, *Hon. C. Gore* 3443–3453——Reports received annually from Mr. Clutton,

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BLACKHEATH—continued.

1. *Crown Rights, their Value, and how exercised*—continued.

showing the quantity of gravel dug, *Hon. C. Gore* 3454-3466——Requirement as to the surface being kept level where the gravel has been dug, *ib.* 3469-3477——Percentage received by Mr. Clutton upon the revenue from the gravel, *ib.* 3478-3480.

Total of only 56*l.* a year received by the Crown for gravel, a few pounds being derived from other sources, *Clutton* 3495-3504——Requirement as to the surface being kept level where the gravel has been removed, *ib.* 3505-3507——Estimate of from 1,200*l.* to 1,500*l* as the sum necessary to purchase the right of gravel, *ib.* 3508-3512.

Correspondence on the subject of the sale of gravel on the part of the Crown; objection on the part of the Office of Woods to an abandonment of this source of revenue, *App. Second Rep.* 170.

2. *Rights of Lord Dartmouth:*

Circumstances under which Lord Dartmouth discontinued the right of digging gravel, though the Crown has not done so, *Smith* 2852. 2862-2867——Explanation of the rights of Lord Dartmouth, and of the copyholders and commoners in respect of portion of Blackheath, *Parker* 2922 *et seq.*——No portion of the heath has ever been inclosed by Lord Dartmouth, *ib.* 2935——Witness cannot answer for Lord Dartmouth's willingness to part with his rights over the heath with a view to its preservation for ever as an open space, *ib.* 2941-2947. 2987, 2988.

3. *Other Rights over the Heath; how exercised:*

Impression that there are no copyholders having rights on the heath, *Smith* 2868——Very little pasturage on the heath, *ib.* 2872——Right of the parishes of Lewisham and Lee to take gravel from the heath; non-exercise of such right, *Riddington* 2991, 2992.

Injury down to other parts of the common, besides those over which the Crown rights extend, *Hon. C. Gore* 3418, 3419——Right claimed by the parochial authorities of Greenwich to dig gravel from the heath, so that injury would still be caused if the Crown rights were not exercised, *ib.* 3434. 3438-3440. 3482, 3483.

Exercise by Greenwich parish as well as by the Crown, of the right of taking gravel from Blackheath, *Clutton* 3492-3495——Claim of pasturage rights by some people in Greenwich parish, *ib.* 3513-3516——Much worse state of the gravel pits on other portions of the heath than on the Crown property, *ib.* 3518-3522.

4. *Area of the Heath:*

The extent is about 130 acres, *Farnall* 2793; *Smith* 2867.

5. *Its Value as a Place of Recreation:*

Great value of Blackheath as a place of recreation for the public; immense numbers who now resort thither, *Airy* 3381-3385.

6. *Absence, practically, of any Encroachments:*

Reference to the erection of a church upon a portion of the common ground as the only encroachment in witness's experience, *Farnall* 2788, 2789. 2802, 2803. 2819——Absence of any encroachment on the heath since witness has resided in the locality, *Airy* 3391-3395.

7. *Complaints as to the state of the Heath, and the want of proper Control:*

Absence of any controlling power over the use of the heath by the public, or over donkey races, &c., *Farnall* 2784-2787. 2798-2801. 2815; *Smith* 2845-2849. 2874-2876; *Hamilton* 3356. 3368, 3369——Expediency of a check upon the abuse from donkey races, &c., and of the heath being placed under proper control, *Farnall* 2798, 2799. 2811-2818; *Smith* 2825. 2845. 2850-2855; *Soames* 2882-2885. 2894-2898; *Parker* 2938-2940——Great deterioration of the heath by gravel digging, donkey racing, &c., *Smith* 2837, 2838. 2845, 2846; *Soames* 2880-2883; *Hamilton* 3356.

Reference to a communication from the Plumstead Board of Works to the Home Secretary relative to the nuisances on the heath; the Greenwich and Lewisham Boards have also made representations on the subject, *Smith* 2839, 2840——Statement as to no reply having been received by the Plumstead Board to their communication to the House, *ib.* 2998-3008.

Communication from the Plumstead Board of Works to the Home Office, in March 1865, relative to the state of Blackheath, *App. Second Rep.* 169——Statement by the Metropolitan Board of Works as to their inability to interfere for the prevention of the evils complained of, *ib.*

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8. *Local Association for the Protection of the Heath:*

Formation of a local voluntary association for looking after the heath, *Farnall* 2784. 2797——Steps taken by the local voluntary association for the protection of the heath, *Smith* 2869-2871. 2877——Local expenditure of about 40*l.* a-year upon the common; entire insufficiency thereof, *Soames* 2914-2921.

9. *Question of a Rate on the Locality or on the Metropolis:*

Importance of the preservation of the heath for the enjoyment of the residents; belief as to the willingness of these to pay a compulsory rate for its improvement and maintenance, *Farnall* 2790 *et seq.*——Doubt as to the willingness of the residents generally to contribute any large amount in the shape of a rate for improving and maintaining the heath; difficulty as to the liability of the different parishes, *Smith* 2841, 2842. 2856-2861——Anticipated willingness of the inhabitants to pay for the protection of the common and the preservation of order, *Soames* 2896-2898——Propriety of the metropolis generally, as well as the locality, contributing to the maintenance of the heath, *Airy* 3387, 3388——Approval of Blackheath being placed under the Metropolitan Board of Works, *Clutton* 3517, 3518.

10. *Suggestions as to the Mode of Laying-out or Preserving the Heath:*

Proposition as to portions being made into ornamental gardens, whilst portions might be preserved as open spaces for purposes of cricket and for recreation generally, *Farnall* 2809-2825——Statement in favour of the heath being preserved entirely as an open space, *Smith* 2845. 2850-2855——Advantage if the heath were preserved as an open space, with a fence round it to keep horses from going over it, *Riddington* 2992——Facility of making ornamental gardens on the heath, *Hamilton* 3364-3367.

11. *Objection to the Sale of any portion:*

Disapproval of the sale of any portion of the heath, *Farnall* 2808, 2809; *Smith* 2843. 2873.

12. *Conclusions of the Committee:*

Prejudicial effect of the exercise of the Crown's right of digging gravel, *Second Rep.* ix.——Inconsiderable revenue derived by the Crown from this source; suggestion that this portion of the heath be transferred to the proposed Board of Trustees for Commons generally, *ib.*——Conclusion that arrangements may be effected for placing the whole heath under the management of the Board of Trustees, *ib.*

Board or Commission. Suggestion that a Commission be appointed to determine and buy up the rights over the open spaces, so that the latter may be dedicated to the public, *Marshall* 5453. 5455.

Recommendation that a Board of Trustees be appointed, or an existing Board empowered to accept grants of manorial rights in any open spaces, and to hold such rights in trust for the public use, *Second Rep.* viii——Suggestions as to the functions to be exercised by the proposed trustees, *ib.* viii, ix, xi.

Proposition in regard to the Crown vesting in the proposed body its manorial and forestal rights for the benefit of the public, *Second Rep.* viii, x——Suggestion that the expenses of the Board of Trustees be borne by the Metropolis, *ib.* xiii.

Considerations as to the mode of constitution of the body of trustees or Commissioners; grounds for recommending the formation of a new Board rather than the conferring of the requisite powers in any existing Board, *Second Rep.* xiii, xiv.

See also *Common Rights.* *Leases of Rights over Commons.* *Local Rating.* *Lords of Manors.* *Metropolitan Board of Works.* *Railways.*

Bowyer, Colonel. See *Clapham Common.*

Brooks, Robert (*Member of the House*). (Analysis of his Evidence).—Resides in the immediate vicinity of Epsom Common and Downs, his park occupying the space between the two, and being about 350 acres in extent, 2642-2648——The enclosure of the common would be a pecuniary advantage to witness on account of his common rights, but he is strongly opposed to such enclosure on public grounds, 2649-2652——There is now considerable enjoyment of the common, and it will be frequented much more in time, 2652-2663. 2675-2679.

Considerable rights of witness over the common; these were stated at a meeting before the Assistant Inclosure Commissioner at which witness was a dissentient, 2664-2669. 2681-2684. 2729-2732——Doubt whether the inhabitants would be prepared to pay for draining the common; witness should not object to contribute, 2670-2674. 2688-2700——Neglected state of the pits which have been dug for gravel, 2679, 2680——Rights of witness, by special arrangement, to have 400 sheep on Epsom Downs, 2685-2687.

Belief as to the respectable portion of the community at Epsom being opposed to the inclosure, 2694-2700——Statement as to witness, though largely interested, not having

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Brooks, Robert (*Member of the House*). (Analysis of his Evidence)—*continued.*

received any notice of the meeting before the Inclosure Commissioner, 2701–2703. 2710–2723——Circumstance of no steps having been taken at Epsom to oppose the Bill, 2704–2709. 2722, 2723——Information relative to the attendance at the meeting before the Commissioner; consent of the majority to the inclosure, these, however, forming but a small proportion of the whole number interested, 2704–2709. 2724–2737.

Buckhurst Hill (*Epping Forest*). Considerable building going on at Buckhurst Hill, which was part of Epping Forest, *Shillibeer*, 5633–5637.

Building on Commons. See *Common Rights. Compensation. Epping Forest. Hampstead Heath*, 6.

Burrell, Joseph. (Analysis of his Evidence.)—Barrister-at-law; resides near Wimbledon, 1300–1304——Contends that certain common rights are possessed by the freehold tenants of the Manor of Wimbledon, and that the lord cannot sell land without their consent, 1305, *et seq.*——Argument that, in order to exercise common rights, it is not necessary that copyholders should have continued to hold fifteen acres of land; any such custom would be unreasonable and bad in law, 1308, 1309. 1411–1413. 1463–1483——Several instances of rights of common having been used over the common; belief that these rights can be proved, 1318–1322. 1388–1406. 1484, 1485——Belief that far more than 5,000 *l.* would be required to compensate the common rights, 1320.

Petition of several copyholders or commoners against the Inclosure Bill, 1323. 1461, 1462——Unanimous feeling at Wimbledon against the inclosure, 1324. 1384, 1385——Inconvenience of the inclosure to the public, 1325——Willingness of the residents to provide any money required for drainage, &c., if there were no inclosure and no sale of land, 1326, 1327. 1384–1387——Statement that the lord of the manor cannot, under the Statute of Merton, approve or enclose against any rights save rights of pasturage, 1328–1333.

Liability of the lord to endless litigation if he were to enclose against the commoners' rights, 1334–1338——Boon to the lord if the enclosure be sanctioned by Act of Parliament, 1339–1342——Opinion as to the public at large not having a right of roaming over the common, 1343–1359. 1371–1375——Approval of a local management of the common, due regard being had to the interests of the public generally, 1360–1362. 1366–1370——Instances of the sale of some small pieces of the common without the consent of the freeholders, 1376–1382. 1395–1398.

Exercise by Mr. Peek of the right of digging gravel on the common, 1402–1404. 1457–1560——Belief that the custom of enclosing with the consent of the homage would be a bad custom, and not legally binding, 1414–1421——Approval of a compromise which should involve the dedication to the public of the land proposed to be enclosed, and the retention of the rest as at present, without being sold for building sites, 1423–1432. 1452–1456. 1486–1496.

Belief as to the loss of common rights not being necessarily involved in the enfranchisement of the copyholds, 1434–1442——Probable difficulty in proving that the public had a right of recreation over the common, 1443–1451——Right of recreation of the inhabitants as regards Wimbledon Green, 1443–1446. 1477–1479.

C.

Charity Lands. General power of the Charity Commissioners in regard to authorising sales and inclosures of charity land under the Act 53 Geo. 3; three or four sales of common lands have been made under this Act, *Erle* 4873–4881. 4899–4902——Reference to the Charitable Trusts Act, as enabling the Commissioners to empower the trustees of any charity to sell, lease, or exchange land, *ib.* 4875, 4889–4894——Absence of any power of direct sale in the Commissioners, who can only authorise the trustees of any charity to sell under certain conditions, *ib.* 4875. 4889–4864. 4902——Necessity, when trustees are authorised to sell, of the proceeds being re-invested for the objects of the charity, *ib.* 4875. 4909–4923.

Practice in regard to inclosure, and compensation to the lords of the manors, &c. under the Act 53 Geo. 3, *Erle* 4875–4881——Course pursued in order to ascertain whether there are objections to any proposed sale, *ib.* 4901——Authority given to the trustees to sell whenever they can prove the sale would be beneficial to the charity, *ib*, 4902——Investment in the names of the official trustees, under the Charity Commission, of the proceeds of charity lands not re-invested in land; very large sum now standing in their names, the interest of which is paid to the trustees of the several charities, *ib.* 4909–4926.

See also *Egham. Weybridge.*

Cheston, Chester. (Analysis of his Evidence.)—Is solicitor and steward to Mr. Amhurst, lord of the manor of Hackney Marshes, 3659–3663——Hackney Common and Downs and London Fields are comprised in the manor of which Mr. Amhurst is lord, the extent being over 500 acres, 3664–3667—— Explanation as to the lands in question being subject

to

Cheston, Chester. (Analysis of his Evidence)—*continued.*

to commons rights, and as to the rights generally of the lord of the manor, and of the freeholders and commoners in respect of these lands, 3667 *et seq.*——Particulars more especially relative to London Fields; these have been bought by one proprietor, subject to the right of the lord of the manor in the soil, 3674-3700.

Chigwell Inclosure (Essex). Instance in the case of Chigwell Inclosure of Parliament having refused to pass the Bill unless the area for recreation were enlarged, *Cooke* 77-79. 138——Reservation of fifty acres for recreation, and of four acres for the labouring poor, in the case of Chigwell Inclosure, *ib.* 77. 97.

Statement as to the very inferior and unfit character of fifty acres of land reserved for Chigwell parish under the Bill for 1862, for inclosing about 600 acres, *Shillibeer* 5512-5538——Expenditure necessary for fencing, &c., in connection with the fifty acres allotted to Chigwell parish; there is no public fund for the purpose, *ib.* 5527-5540. 5551-5555. 5571-5576——Circumstance of its being contended on the part of the parish that the public generally have no right to use the fifty acres allotted to the parish, *ib.* 5541-5550——Statement showing, as regards the situation of the fifty acres, that they have been selected in accordance with the provisions of the Act for inclosure, *ib.* 5556-5570.

Particulars in connection with the separate inclosure of 100 acres out of 701 acres allotted to Chigwell parish; grounds for contending that this inclosure is unauthorised and illegal, *Shillibeer* 5578 *et seq.*——Applications by witness to the Inclosure Commissioners, the Treasury and the Attorney General with reference to the inclosure of the 100 acres, but without effect, *ib.* 5578. 5616-5624. 5631.

Statement as to witness having, on public grounds, brought two actions with a view to preventing the inclosure of the 100 acres; intention of witness to go on with these actions unless a reasonable arrangement is arrived at, *Shillibeer* 5578, 5579. 5624-5632. 5638-5651——Statement that the 100 acres were inclosed first prior to the award of the Assistant Inclosure Commissioner, but subsequently to his going over the land, *ib.* 5578-5589. 5597-5608. 5641. 5644——The Inclosure Commissioners dealt only with 600 acres, and said their jurisdiction did not extend to the 700 acres allotted originally by their own officer, *ib.* 5580 *et seq.*

With regard to fifty acres reserved in the case of Chigwell parish, these are not yet set out, the inclosure being now the subject of a suit of law, *Cooke* 6382, 6383.

Chingford, St. Paul's (Epping Forest). Explanatory statement as to the steps taken by witness upon the question of a vindication of the Crown's rights over the manor of Chingford, St. Paul's, inclosed by Mr. Hodgson, *Hon. T. K. Howard* 4468-4472. 4499, 4500.

Mr. Hodgson has inclosed some land at Chingford, Epping Forest, which, as lord of the manor, he had purchased, *Taylor* 4950, 4951——It has not been possible for Mr. Hodgson yet to attend before the present Committee, *ib.* 4953.

Inclosure of a considerable quantity of land in the manor of Chingford; particulars hereon, *Warren* 4958-4991——Protest made by witness's father, as keeper, as well as by witness, against the inclosure by Mr. Hodgson, *Watkins* 5050, 5051——Dispute by Mr. Hodgson of witness's right to go upon his inclosure; instruction subsequently from Mr. Howard that witness was to continue to assert the Crown's rights over the inclosure, which has accordingly been done, *ib.* 5068-5075. 5083-5089.

With regard to the inclosure by Mr. Hodgson in Chingford, St. Paul's, the Crown still possesses all its rights over the inclosed land, *Gardiner* 5185-5189. 5235-5237——Large expense necessary in order to vindicate the Crown rights in Mr. Hodgson's case, *ib.* 5236. 5350.

Particulars in connection with the purchase of the manor of Chingford, St. Paul's, by Mr. Hodgson in 1844, *Delano* 6188-6192.

Chobham Common:

Witness has a property on the borders of Chobham Common, comprising 600 acres, *Sir Denis LeMarchant* 5849. 5888, 5889——There was an inclosure by witness several years ago of about twenty-seven acres of the common, under the consent of the Inclosure Commissioners, *ib.* 5850. 5918, 5919——The manor of Chobham has been held by Lord Onslow's family for above 100 years, *ib.* 5851, 5852——Some small inclosures of the common have been made under consent of the homage, *ib.* 5853——The common comprises about 5,000 acres, *ib.* 5855.

Statement as to Lord Onslow having two or three years ago let on lease a portion of the common for brick-making, *Sir Denis Le Marchant* 5855-5861——Complaint as to a further piece of the common, close to witness's grounds, having been recently leased for seven years to a brickmaker, without any consultation of the freehold tenants or commoners of the manor, *ib.* 5864 *et seq.*——Great nuisance by the erection of brick-kilns on the common; serious injury thereby to witness's property, *ib.* 5864. 5874-5877. 5929——Witness had no idea whatever that the lease would be perfected, or that brick-making would be allowed, *ib.* 5864. 5880-5882.

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Doubt as to the legal right of the lord of the manor to lease the land in question; provisions of the Statute of Merton adverted to hereon, *Sir Denis Le Marchant* 5864 *et seq.*, 5625-5937——Statement as to the consent of the homage not having been obtained in respect of the recent inclosure, whilst it was obtained in the case of former inclosures, *ib.* 5868–5874. 5891, 5892——Probable allotment to witness of the piece of land for brick-making, if the whole common were inclosed, *ib.* 5877. 5888-5892.

Inferior character of the land on the common, *Sir Denis Le Marchant* 5907, 5908. 5917——Importance of preventing inclosures on the common with reference to its use by the public, *ib.* 5911–5917——Advantage if the rights of the lord of the manor over the whole common were purchased by the inclosure and sale of a portion of the common, *ib.* 5920–5922.

CLAPHAM COMMON:

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East Hampstead (Berks). Authority given by the Charity Commissioners for the sale of some lands at East Hampstead, and Finchley Hampstead, near Windsor, *Erle* 4899. 4901.

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EPPING FOREST:

1. *Extent, Character, and Value of the Crown Rights.*
2. *Rights of the Lords of Manors.*
3. *Sales of the Crown's Forestal Rights down to the year* 1863.
4. *Recent instances of Encroachment or Inclosure without purchase of the Forestal Rights.*
5. *Particulars in connection with the Opinion of the Law Officers of the Crown in* 1853 *and* 1863 *upon the Question of enforcing the Rights of the Crown.*
6. *Explanatory Statement as to the Office of Woods not having since* 1863 *sold the Forestal Rights, or taken any steps for abating Inclosures.*
7. *Question of a transfer of the Crown Rights to the Metropolitan Board of Works.*
8. *Verderers' Court.*
9. *Supervision by means of Keepers.*
10. *Case of Manslaughter in the Forest.*
11. *Large resort of People to the Forest.*
12. *Sundry Details and Suggestions Generally.*
13. *Conclusions and Recommendations of the Committee.*

1. *Extent, Character, and Value of the Crown Rights:*

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2. *Rights of the Lords of Manors:*

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EPPING FOREST—2. *Rights of the Lords of Manors*—continued.

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3. *Sales of the Crown's Forestal Rights down to the year* 1863:

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4. *Recent Instances of Encroachment or Inclosure without Purchase of the Forestal Rights:*

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5. *Particulars in connection with the Opinion of the Law Officers of the Crown in* 1853 *and* 1863 *upon the Question of enforcing the Rights of the Crown:*

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Further reference to the opinion of the law officers of the Crown in 1863 as precluding expensive litigation from which no corresponding benefit could be derived by the enforcement of forestal rights, *Hon. J. K. Howard* 4627 *et seq.*

Consultation of the law officers of the Crown in 1863 upon the general question of encroachments in the forest, all the facts and proceedings having been laid before them, *Gardiner* 5173-5193. 5209-5212——Objection to producing before the present Committee either the case submitted to the law officers, or their opinion, *ib.* 5175-5180——General purport of the opinion of the law officers in 1863 that further legislation was required with reference to a prevention of encroachments, *ib.* 5181-5184. 5194.

The Attorney General was consulted in 1853, and advised that legal proceedings should not be taken by the Crown, since which period witness has felt precluded from advising for or against any proceedings, *Gardiner* 5200-5215. 5231, 5232. 5238 *et seq.*——No steps could, in fact, properly be taken save by information on the part of the Attorney General, *ib.* 5204. 5213-5215. 5250-5262.

Purport of the opinion of the law officers in 1853 that it would not be prudent to institute legal proceedings, and that it would be desirable to dispose of the forestal rights at such reasonable price as may be obtained under the Act 10 Geo. 4, c. 50, *Gardiner* 5205-

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5. *Particulars in connection with the Opinion of the Law Officers of the Crown in* 1853 *and* 1863, *&c.*—continued.

5205-5208. 5238-5249——Further concurrence in the opinion of the law officers as the proper guidance for the action of the Department, *Gardiner* 5379-5381.

Letter from Mr. Howard to the Chairman of the Committee as to its being the invariable practice to refuse to communicate to the public cases submitted to the law officers of the Crown, *App. Second Rep.* 174.

6. *Explanatory Statement as to the Office of Woods not having since* 1863 *sold the Forestal Rights, or taken any steps for abating Inclosures:*

Duty of witness to look solely to the pecuniary interests of the Crown and of the public, whereas the expense to the public of putting a stop to inclosures in Epping Forest would be more than the common rights are worth, *Hon. J. K. Howard* 4444. 4452-4454. 4739-4747.——Circumstance of notice having been sent to the encroachers in the forest and to the lords of the manors previously to the Report of 1862, offering the sale of the forestal rights, *ib.* 4461-4467.

Examination in further explanation and defence of the course pursued by witness since the Resolutions of the Committee of 1863, and the subsequent opinion of the law officers; that is, in neither selling the forestal rights nor taking any steps to abate encroachments, *Hon. J. K. Howard* 4508 *et seq.*—— Instance previously to 1863, of a suit instituted by the Crown, when the case was compromised by the purchase of the forestal rights for 100 *l.*; great expense to the public through this litigation, *ib.* 4546. 4672.

Admission as to the forestal rights being of money value, whereas witness has not since 1863 taken any steps for preventing their loss by non-usage in the case of inclosures and of buildings, *Hon. J. K. Howard* 4657-4683——Inexpediency of purchases by the Crown of land in the forest, *ib.* 4707-4711——Examination showing that the Report of the Committee of 1863 has, in a certain sense, facilitated inclosures, *ib.* 4712-4738.

Witness, in fact, is precluded on the one hand from selling the forestal rights, and on the other from taking steps for abating encroachments, *Hon. J. K. Howard* 4714-4729 ——Impracticability of further maintaining the forestal rights by keeping up a large supply of game in the forest, *ib.* 4748-4751.

Discontinuance of sales in consequence of the Report of the Select Committee of the House of Commons in 1863, *Gardiner* 5169, 5170. 5216-5222——Opinion as to the inexpediency of the Department asserting its rights, irrespectively of the opinion of the law officers, by breaking down fences and inclosures when above the height of four feet, *ib.* 5252-5310. 5365-5370.

Very heavy expense apprehended if the Crown were to go to law in order to vindicate its rights in the matter of each inclosure, *Gardiner* 5344-5354——Large expense incurred in Hallett's case, in which the right of the Crown was established, *ib* 5345-5348. 5357, 5358——Willingness of the Department at once to vindicate the Crown rights if the Treasury and the House of Commons deem the expense expedient, *ib.* 5358.

Communication from Mr. Howard to the Treasury, dated 11th February 1864, entering in detail into the question of the sale of the forestal rights of the Crown, and requesting directions from the Treasury on the subject, *App. Second Rep.* 175-180.

7. *Question of a Transfer of the Crown Rights to the Metropolitan Board of Works:*

Communication of witness with the Treasury and with the Board of Works upon the subject of the Crown rights, *Hon. J. K. Howard* 4471. 4590——Belief that if the rights were transferred to the Board of Works they could not be made available for preventing encroachments and inclosures, *ib.* 4492-4498. 4689-4704——Statement as to the negative results of the communication between witness and the Metropolitan Board; view of Mr. Thwaites that nothing could be done without fresh legislation, *ib.* 4608-4615.

Correspondence between the Treasury and the Metropolitan Board of Works in June and July 1864, with reference to the question of the latter obtaining Parliamentary powers for the inclosure of the forest as a place of recreation, *App. Second Rep.* 180-182 —— Interview, at the direction of the Treasury, between the representatives of the Office of Woods and of the Metropolitan Board, on 19th July 1864, when the nature of the Crown's rights were fully explained, *ib.* 182——Absence of any further communication with the Office of Woods since the foregoing interview, *ib.*

Letter from the Chairman of the Metropolitan Board to the Treasury, dated 18th October 1864, assigning sundry reasons against the Board interfering, with a view to maintaining the Crown's rights on behalf of the public, *App. Second Rep.* 182.

8. *Verderers' Court:*

Abeyance into which the verderers' court has fallen; statement hereon, that it is no part of witness's duties to revive these courts as a means of protecting the forest, *Hon.*

Reports, 1865—*continued.*

EPPING FOREST—8. *Verderers' Court*—continued.

J. K. Howard 4437. 4473-4478. 4526-4538——The election of verderers rests with the freeholders of the county, *ib.* 4474. 4537.

Circumstance of there being now but one verderer, so that no quarterly courts can be held, and no verderers' functions exercised, *Watkins* 5008–5012. 5104–5108——Colonel Palmer is very sorry that he cannot exercise any of the functions of verderer, for the want of a second verderer, *ib.* 5108.

Statement to the effect that nothing could be done through the verderers' court for the abatement of inclosures where the soil is not in the Crown, *Gardiner* 5213. 5327, 5328. 5366–5370— Unsatisfactory results at two verderers' courts at which witness was present, *ib.* 5340. 5398——Proper function of the verderers' court, but not of the Crown, to interfere, by pulling down fences if more than four feet high, *ib.* 5365–5370.

9. *Supervision by means of Keepers:*

Employment of two keepers in order to protect the Crown rights, *Hon. T. K. Howard* 4436. 4552-4554. 4770, 4771——Issue by witness of orders to the keepers to prevent persons from shooting in the forest, *ib.* 4481, 4482——Discontinuance by witness of visits to the forest as only entailing useless expense, *ib.* 4483, 4484——Duties performed by the Crown keepers in reporting encroachments and in keeping alive the forestal rights; instructions issued on these points, *ib.* 4552-4554. 4674-4688. 4705, 4706. 4763-4771.

There is now but one keeper besides witness in Waltham or Epping Forest; fifteen or twenty years ago there were ten keepers, *Watkins* 4993-4997——Duties of the keepers to protect the deer and to report upon any inclosures, *ib.* 4998, 4999——Witness is supposed to know over what parts the Crown rights have or have not been sold, and to exercise jurisdiction accordingly, *ib.* 5076–5079——Wages of witness; only a portion of his time is devoted to his duties as keeper and ranger, *ib.* 5080–5082——Diminution in the number of keepers further adverted to, *ib.* 5093–5096.

10. *Case of Manslaughter in the Forest:*

Misapprehension with reference to a case of manslaughter in the forest having failed, because there was not a proper complement of officers for exercising jurisdiction, *Gardiner* 5331–5333.

Correspondence in November and December 1864 upon the subject of the death of the boy Jameson in the forest, and the supervision exercised over the forest on the part of the Office of Woods, *App. Second Rep.* 171–173.

11. *Large Resort of People to the Forest:*

Very great number of people resorting to the forest, *Watkins* 5021-5023——Particulars relative to the Easter Monday Hunt; large concourse present on the last occasion, *ib.* 5024–5038.

Immense number of people who come from all directions to enjoy themselves on the open spaces, *Marshall* 5406–5420. 5423——In fine weather there are about 50,000 persons on Sundays and Mondays, *ib.* 5411–5414——On Easter Monday there are probably 200,000 persons, *ib.* 5415——Very orderly conduct of these people, *ib.* 5416, 5417.

12. *Sundry Details and Suggestions generally:*

There has been no application to the Inclosure Commissioners in respect of any inclosures at Epping, *Cooke* 100-102——Large space of open forest still available for purposes of recreation, *Hon. J. K. Howard* 4479, 4480. 4573——Very few deer now in the forest, *Watkins* 5000–5004——Duties of the former office of woodward of the forest, *ib.* 5097–5103——Want of some tribunal with more summary process if the forest is to be kept open by the abatement of inclosures, *Gardiner* 5314–5317.

Total of about 1,800 acres of open space comprised in Wansted Flats, Woodford Common, and at Leyton and Walthamstow, these being the parts of the forest most frequented by the public, *Marshall* 5388–5401——Gradual increase of buildings on the open space at Walthamstow, *ib.* 5394-5398. 5405——The remaining open portions of the forest and neighbourhood would probably exceed 4,000 acres, *ib.* 5399-5456——The metropolis practically reaches to the very borders of Wanstead Flats, *ib.* 5402–5404. 5467–5469.

Great advantage of Wanstead Flats for volunteer movements, *Marshall* 5426–5441——Very unsatisfactory state of the forest generally for the want of the rights being defined, and through the absence of proper supervision, *ib.* 5442-5446——Great increase in the value of some land converted into building plots, *ib.* 5447–5452——Objection to the open spaces in question being made into a park, or to the people using them being placed under any strict control, *ib.* 5424, 5425. 5455.

— Witness

Reports, 1865—*continued.*

EPPING FOREST—continued.

12. *Sundry Details and Suggestions generally*—continued.

Witness submits to the Committee some resolutions adopted at a recent meeting at the east end of London with reference to inclosures in Epping Forest, *Delano* 5653, 5654. 5656–5662——Contends that the public have a right of recreation in the forest, and that the inclosures by the lords of the manors have been illegal, *ib.* 5654, 5655. 5663——Submits that the Commissioners of Works have taken a wrong view as to the rights of the Crown in connection with these inclosures, *ib.* 5655–5663.

Consideration of the question whether protection to the public, through the Commissioners, is not desirable as regards inclosures in Epping Forest, *Cooke* 6314–6346.

13. *Conclusions and Recommendations of the Committee:*

Considerable value to the Crown of the forestal rights, whilst they would be far more useful to the public as a means of preventing inclosure, 2d. *Rep.* ix——Dissent from the recommendation of the Select Committee of 1863, adverse to a vigilant maintenance of the forestal rights: expediency on the other hand of steps being taken to assert the forestal rights without regard to the question of cost, *ib.* ix., x.

Regret expressed by the Committee, that Government should have taken no measures to assert the rights of the Crown over the lands inclosed without the purchase of such rights, *Second Rep.* x——Recommendation that immediate steps be taken to vindicate the Crown's forestal rights over lands inclosed, and to abate such inclosures, *ib.*

See also *Buckhurst Hill. Chingford, St. Paul's. Crown Rights. Fairlop Fair. Loughton Manor. Sewardston Manor. Victoria Park.*

EPSOM COMMON:

1. *Statement in Explanation and Approval of the Bill for Inclosing the Common.*
2. *Provision made for Recreation and for the Labouring Poor.*
3. *Bad State of the Common: importance of its being Drained.*
4. *Instances of Encroachment.*
5. *Evidence opposed to the Inclosure of the Common.*

1. *Statement in Explanation and Approval of the Bill for Inclosing the Common:*

The Bill before Parliament refers only to the common, and does not propose to deal with the downs, *Mason* 2346, 2347——Witness reads the Special Report of the Assistant Inclosure Commissioner upon the subject of the inclosure of the common, *ib.* 2348, 2349——The Commissioners having issued their Provisional Order have subsequently certified to Parliament the expediency of the inclosure, *ib.* 2349.

Distance between the common and the downs, *Mason* 2350–2352——Information in detail as to the rights of the lord of the manor, Mr. Briscoe, over the common, and the rights of the copyholders and freehold tenants, *ib.* 2353 *et seq.*——Number of assents and dissents with reference to which the Inclosure Commissioners recommended that the inclosure should go on, *ib.* 2390. 2410–2418.

Very limited extent to which any portion of the common has been used by the public; grounds for this statement, *Mason* 2394–2407. 2475–2481——The area of the common is about 400 acres, *ib.* 2394——Contemplated partition of the common for the use of those having rights over it; probable number of these, *ib.* 2409–2420.

Loss rather than gain to the lord of the manor by the proposed inclosure; reference hereon to the limited value of the rights at present exercised, *Mason* 2420, 2421, 2442. 2470–2472. 2502, 2503——Origin and progress of the movement in favour of the inclosure; it emanated from the copyholders, *ib.* 2420–2433. 2464–2465——Statement as to the property of Mr. Brooks reaching from the downs to the common, his house being the only one of any importance visible to any part of the common, *ib.* 2481–2486.

Witness fully confirms the evidence of Mr. Mason in favour of the inclosure of Epsom Common, *White* 2545–2549——Limited use of the common by the copyholders for depasturing cattle, *ib.* 2547, 2548——General feeling of the copyholders and inhabitants in favour of the inclosure, *ib.* 2548. 2559–2567.

Explanation that a certain claim of pasturage by Mr. Brooks has not been admitted by the lord of the manor, *Mason* 2738.

2. *Provision made for Recreation and for the Labouring Poor:*

Large provision made for recreation, as well as for the labouring poor, under the Epsom Inclosure, *Ridley* 380–388——Explanation as to the portions of the common proposed to be reserved for the public, *Mason* 2397–2402. 2455–2458.

3. *Bad State of the Common; Importance of its being Drained:*

Evidence as to the improvement to be effected by the proposed inclosure, and by draining and building upon the inclosed land; advantage thereby both to the health and

Reports, 1865—*continued.*

Epsom Common—continued.

3. *Bad State of the Common; Importance of its being Drained*—continued.

trade of the town of Epsom, *Mason* 2408–2420. 2427–2439. 2453, 2454——Very wet state of the common, whilst independently of it there is ample space on the adjacent downs for purposes of health and recreation, *White* 2547——Opinion of medical men as to the advantage of draining the common on the score of health, *ib.* 2550.

Improvement if Epsom Common were drained; no application has been made to the lord of the manor on this subject, *Levick* 2621. 2631–2633——Complaint as to the bad state of the common through the practice of the lord and of the lessee in regard to digging gravel and soil; circumstance of the lord's right in this respect not having been formally disputed though it is considered invalid, *ib.* 2633–2635. 2748–2768.

Doubt as to the inhabitants generally being willing to contribute towards draining the common; willingness of witness to do so, *Brooks* 2670–2674. 2688–2700; *Levick* 2745–2747——Neglected state of the pits which have been dug for gravel, *Brooks* 2679, 2680.

4. *Instances of Encroachment:*

Circumstance of several inclosures of the common having been made by squatters, *Mason* 2440——There have been several inclosures of open spaces at Epsom, *Jaquet* 2603.

5. *Evidence opposed to the Inclosure of the Common:*

Witness is strongly opposed, on public grounds, to the inclosure of Epsom Common, and adduces various objections to such inclosure, *Hankey* 2568–2583——Belief that the inclosure has been put forward by parties individually and pecuniarily interested as lawyers, *Hankey* 2570; *Brooks* 2694——No opinion in favour of the inclosure has been expressed by the Epsom Board of Health, *Hankey* 2570; *Jaquet* 2601——The common is now used, to some extent, by the public, *Hankey* 2570–2573.

Failure of an attempt, many years ago, to get up a Bill for inclosing Epsom Common, *Jaquet* 2586–2591——Considerable use made of the common by the public as well as for grazing, *ib.* 2592–2597. 2601, 2602——Circumstance of the inhabitants or the Board of Health not having expressed any formal opinion in favour of the inclosure, *ib.* 2598–2608——Impediments to a proper use or enjoyment of the common; advantage if it were in the hands of the town and were retained as an open space, *ib.* 2603–2606.

Witness has resided at Epsom for several years, and testifies to the healthy character of the place, *Levick* 2617–2620. 2627–2630——The common is considerably used by the public, *ib.* 2621–2626——Belief that the majority of the inhabitants are opposed to the inclosure; there has been no public meeting on the subject, *ib.* 2635–2640.

Witness resides in the immediate vicinity of Epsom Common and Downs, his park occupying the space between the two, and being in extent about 350 acres, *Brooks* 2642–2648——The inclosure of the common would be a pecuniary advantage to witness on account of his common rights, but he is strongly opposed to such inclosure on public grounds, *ib.* 2649–2652——There is now considerable enjoyment of the common, and it will be frequented much more in time, *ib.* 2652–2663. 2675–2679——Considerable rights of witness over the common; these were stated at a meeting before the Assistant Inclosure Commission at which witness was a dissentient, *ib.* 2664–2669. 2681–2684. 2729–2732.

Belief as to the respectable portion of the community at Epsom being opposed to the inclosure, *Brooks* 2964–2700——Statement as to witness, though largely interested, not having received any notice of the meeting before the Inclosure Commission, *ib.* 2701–2703. 2710–2723——Circumstance of no steps having been taken at Epsom to oppose the Bill, *ib.* 2704–2709. 2722, 2723——Information relative to the attendance at the meeting before the Commissioner; consent of the majority to the inclosure, these, however, forming but a small proportion of the whole number interested, *ib.* 2704–2709. 2724–2737.

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Epsom Downs. With regard to Epsom Downs the lord has the same rights as over the common, but these are much more valuable in the former case, *Mason* 2443–2449. 2493–2495. 2502–2542——Information as to the income derived by the lord in connection with the races on the downs, and as rent for the Grand Stand, &c. *ib.* 2447–2449. 2504–2542——Instances of inclosures of and encroachments upon the downs; reference more especially to the inclosures or erections near the racecourse, *ib.* 2450–2452. 2497–2499. 2512–2533——Statement as to the lord being desirous of refraining from anything like interfering with the races, *ib.* 2467, 2468.

Question whether the lord would not be willing to guarantee the preservation of the downs to the public in the event of the inclosure of the common, and permission to build

over

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over it; witness is not now prepared to give any undertaking on this point, *Mason* 2468, 2469. 2487, 2488. 2496. 2510, 2511——The extent of the Downs is about 400 acres, there being also a large tract of other down adjacent, *ib.* 2489–2492. 2500, 2501——The total proceeds from the races is 650 *l.*, of which the lord retains only one-fourth, *ib.* 2505–2507. 2509. 2738–2741——The lord gives three-fourths of the sum received for the races as a gratuity to the racing funds, *ib.* 2509.

Right of witness, by special arrangement, to have 400 sheep on Epsom Downs, *Brooks* 2685–2687——The lord of the manor has requested witness to state that he has no intention or wish that the Downs should be inclosed, *ib.* 2741.

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Fairlop Fair (*Epping Forest*). Great numbers of people who used to attend Fairlop Fair, whereas the ground there is now practically inclosed and lost to the public, *Marshall* 5470–5474; *Shillibeer* 5480–5488.

Farnall, Harry Burrard. (Analysis of his Evidence.)—Resides at Lee, Kent; is well conversant with the state of Blackheath, 2769–2773——Rights of the Crown over a considerable portion of the heath, 2774–2776. 2804–2806——Great injury to the heath by the exercise of the Crown's right of digging gravel, 2776–2783. 2804——Formation of a local voluntary association for looking after the heath, 2784. 2797——Absence of any controlling power over the use of the heath by the public, or over donkey-races, &c., 2784–2787. 2798–2801. 2815——Reference to the erection of a church upon a portion of the common ground as the only encroachment in witness's experience, 2788, 2789. 2802, 2803. 2819.

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G.

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See also *Blackheath*, 1. 3. 7. *Hampstead Heath*, 4. *Wandsworth Common*, 7. *Wimbledon Common*, 10.

H.

Hackney. Hackney Common and Downs and London Fields are comprised in the manor of which Mr. Amhurst is lord, the extent being over 500 acres, *Cheston* 3664–3667——Explanation as to the lands in question being subject to lammas rights, and as to the rights generally of the lord of the manor and of the freeholders and commoners in respect of these lands, *ib.* 3667 *et seq.*

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Importance of Hackney Downs and London Fields being preserved to the public without any curtailment of the existing open space, *Lovegrove* 3776, 3777. 3788–3807——Large area comprised in Hackney Marshes, so that sixty or seventy acres might be set apart for building operations; considerable sum to be derived from this source, *ib.* 3777–3787. 3818–3822——Necessity of raising the surface of the marshes in order to carry out an effectual drainage, for the purposes of recreation, *ib.* 3783, 3784. 3808–3812.

Hainault Forest. Allotment to the Crown of 1,917 acres out of Hainault Forest and the King's Woods, together with the timber upon it, the timber having subsequently been sold to defray the expenses of clearing, &c., *Shillibeer* 5489–5501——Total of 969 acres allotted to the commoners, of which fifty acres were reserved for the public, *ib.* 5490–5494——Very large value of the land allotted to the Crown, whereas not a single acre has been set aside for the public use, *ib.* 5491–5511.

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HAMPSTEAD HEATH:

1. *Extent of the Heath.*
2. *Character and Value of the Rights of the Lord of the Manor.*
3. *Rights of Copyholders or Commoners.*
4. *Rights of digging Sand and Gravel; injury thereby.*
5. *Large use of the Heath by the Public; question as to their right to such use.*
6. *Question of Building Powers over the Heath and Land adjoining.*
7. *Desire evinced by the Lord that the Heath should not be built upon.*
8. *Instances of inclosure of portions of the Heath.*
9. *Value of the Heath to the Volunteers and Militia; facilities hereon.*
10. *Supervision.*
11. *Question of Compromise with reference to the Finchly-road Estate; refusal of Sir T. Wilson to any Compromise or to yield any of his rights over the Heath.*
12. *Complaint by the Lord of the Manor as to the Opposition in respect of the Bill promoted by him in* 1829.
13. *Corrupt offer made with reference to a former Bill of Sir T. Wilson.*
14. *Suggestions as to the Course to be pursued in order to secure and maintain the Heath for the Public.*

1. *Extent of the Heath:*

Total of about 250 acres as the extent of the heath now uninclosed, *Turner* 2065; *Le Breton* 2205, 2206——Large extent of the heath originally; it is now about 250 acres. *Clark* 3063——Total of about 300 acres of waste land comprised in the heath, *Sir T. Wilson* 6065, 6066.

2. *Character and Value of the Rights of the Lord of the Manor:*

Estimate that the amount of profits derived from the heath by the lord of the manor would be dearly purchased at 10 *l.* an acre, whereas compensation at the rate of 100 *l.* an acre has been computed, *Turner* 2063-2069. 2175-2178——Calculation that the lord's rights would be amply compensated by a payment at the rate of 30 *l.* an acre, *Le Breton* 2215. 2219-2253. 2308-2317. 2336——Probable right of the lord, with the consent of the homage, to approve or inclose portions of the common, and to build upon such portions, *ib* 2227-2250——The lord of the manor would be unwilling to take 30 *l.* an acre for his rights, *ib.* 2309.

Very ancient date of Sir T. Wilson's right to the manor of Hampstead, *Clark* 3052——Extensive character of the rights of Sir T. Wilson as lord of the manor; he has, in fact, all the rights of the Crown, *ib.* 3052 3100. 3113, 3114——Clear right of the lord to dig gravel from the heath, *ib.* 3052——Practice in regard to the summoning of courts, and as the form in which the homage is addressed, *ib.* 3053.

Entire dissent from certain evidence as to the value of the lord's rights; large sum at which they have been estimated, *Clark* 3062, 3063. 3189, 3190——Varying receipts of the lord of the manor from the heath, *ib.* 3080. 3115, 3116——Means of taking the heath, and of awarding compensation under the Lands Clauses Act, *ib.* 3111, 3112——Practice of impounding cattle found on the heath; payment made for donkeys, *ib.* 3158-3162.

Statement of the receipts from sand, donkeys, &c. for the last three years, *Clark* 3526-3531——Total receipts of 138 *l.* 4 *s.* in the first four months of 1865, *ib.* 3526.

Large revenue which witness might raise under his power of granting twenty-one years building leases, *Sir T. M. Wilson* 6070, 6071. 6075-6080. 6106, 6107——Belief as to there being no rights of pasturage over the heath, which could prevent witness from inclosing, *ib.* 6072, 6073. 6098. 6122-6129. 6166-6168.

3. *Rights of Copyholders or Commoners:*

Consideration as to the probable extent of the commoners' or copyholders' rights, *Turner* 2104-2113. 2120-2128. 2156-2163——Information on the subject of the commoners' rights and their possible extinction by conversion of the copyholds into freeholds, *Le Breton* 2292-2301. 2333-2335——Statement that there are no commoners, and only three or four copyholders having rights on the manor, *Clark* 3052. 3163-3165. 3214-3217——Absence of any rights on the part of commoners or of freeholders further adverted to; very limited rights of copyholders, *ib.* 3059-3062. 3103-3105——Gradual decrease of copyholders, there having been several enfranchisements, *ib.* 3214, 3215.

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4. *Rights of Digging Sand and Gravel; injury thereby:*

Great injury to the heath by the mode in which the right of digging sand has been exercised by the lord of the manor, *Turner* 2147, 2148; *Le Breton* 2215, 2216. 2260, 2261——Right of Hampstead vestry to dig for sand on the heath, *Le Breton* 2262–2264——Deterioration of Hampstead Heath by the practice of digging sand from it, *Douglas* 3012——Authority from the lord of the manor under which sand is sold from the heath, *ib.* 3013-3017. 3042–3045——Circumstance of the parish of Hampstead also exercising the right of taking sand or gravel; slight injury to the heath thereby, *ib.* 3018–3042——Large quantity of sand being dug from the heath for the benefit of the lord, and amount of detriment thereby to the surface, *Clark* 3080–3084. 3139–3145.

5. *Large use of the Heath by the Public; Question as to their right to such use:*

Very large use of the heath by the general public, *Turner* 2101–2103; *Le Breton* 2275–2277——Question considered as to the rights of the public to use the heath for purposes of recreation, *Turner* 2142–2146. 2168–2174——Witness is not aware that the public have ever been cautioned for trespassing on the heath, *ib.* 2143–2146.

Charge made for the use of the heath by school vans, cricketers, &c., *Clark* 3052, 3053. 3063. 3071–3079——Right of the lord to refuse permission to persons to come on the heath for recreation without payment; non-enforcement of this right, *ib.* 3052. 3071–3074. 3106–3109——Practice of the lord not to interfere generally with persons using the common for recreation; right claimed nevertheless in this respect, *ib.* 3146–3149. 3191–3198.

Statement to the effect that the public or the inhabitants have no right whatever to use the heath, *Sir T. M. Wilson* 6100–6105. 6125–6129. 6145–6147. 6174–6184.

6. *Question of Building Powers over the Heath and Land adjoining:*

Information relative to several Bills brought in by Sir Thomas Maryon Wilson in order to obtain building powers over land adjoining Hampstead Heath, *Turner* 2050, 2051. 2062——Explanation of the obstacles to Sir T. Wilson, as lord of the manor, building over the heath or adjoining land; obstacle also under the terms of his father's will, *ib.* 2076–2088. 2139–2142——Probability of the adjoining land being built over in the event of Sir T. Wilson's death, *ib.* 2084–2091——Absence of security that attempts will not be made to build, *ib.* 2091–2096. 2135, 2136——Obstacle to Sir T. Wilson granting long building leases over inclosed portions of the heath, *Le Breton* 2278–2283.

Absence of any direct restriction upon building under the will of Sir T. Wilson's father; restriction however through the short term to which building leases are limited, *Clark* 3053–3058. 3125–3127——Sir T. Wilson has only a life interest in all the property at Hampstead, and cannot grant building leases for more than twenty-one years, *ib.* 3117–3119.

Practice of obtaining the consent of the homage to grants, and statement hereon, showing that, with the consent of the lord and of the homage, the whole heath might possibly be granted, and be eventually built upon, *Clark* 3166–3188. 3202–3209——Doubt whether the practice of obtaining the consent of the homage would affect the legal right of the lord to inclose without such consent, *ib.* 3170–3172. 3202–3209.

Right of witness to grant twenty-one years' building leases of the heath, without any Act of Parliament on the subject, *Sir T. M. Wilson* 6095–6098. 6107–6112. 6122–6125——Right of witness's successor to grant long building leases, *ib.* 6164, 6165.

7. *Desire evinced by the Lord that the Heath should not be built upon:*

Instances of Sir Thomas Wilson's desire that the heath should not be built upon by copyholders, that is through the enfranchisement of portions of the waste granted by consent of the homage, *Clark* 3058, 3059. 3064——Desire always evinced by Sir T. Wilson that the heath should be preserved for the public use, he being paid for his interest in it, *ib.* 3091–3094——Further statement as to the reluctance of the lord to make any copyhold grants through fear of enfranchisement and of subsequent building, *ib.* 3100–3102.

8. *Instances of Inclosure of Portions of the Heath:*

Statement as to their having been some inclosures of parts of the heath, *Turner* 2090–2093. 2017–2110——Inclosure of part of the heath by Sir T. Wilson several years ago; this has been planted; but no portion has been built upon, *Le Breton* 2254–2259. 2278–2281.

Inaccuracy of statements that Sir T. Wilson has from time to time attempted to inclose the heath, *Clark* 3049——Explanation that some partial inclosures by Sir T. Wilson have been for purposes of ornament, and not with a view to future building, *ib.* 3085–3090——Circumstances under which the Surburban Hotel was built in the Vale of Health; several houses also built there by copyhold tenants, *ib.* 3110.

9. *Value*

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9. *Value of the Heath to the Volunteers and Militia; facilities hereon:*

Witness, as commander of a militia regiment, testifies to the great value of Hampstead Heath as an open space for purposes of drill, &c., *Alcock* 2179–2199——Sir Thomas Wilson, as lord of the manor, has afforded every facility for the use of the heath by witness's regiment, *ib.* 2198. 2200.

Witness, as Colonel of the 2d Administrative Battalion of Middlesex Rifle Volunteers testifies to the great value of Hampstead Heath for drill and parade purposes, *Wilkinson* 2337–2342.

10. *Supervision:*

Statement of the arrangements in regard to the supervision of the heath, *Turner* 2097–2100.

11. *Question of Compromise with reference to the Finchley Road Estate Bill; refusal of Sir T. Wilson to assent to any Compromise, or to yield any of his rights over the Heath:*

Approval of an arrangement whereby Sir T. Wilson might be permitted to build over the Finchley-road property, provided he gave up all rights over the heath, and all intention to build upon the land adjoining, *Turner* 2133–2136. 2152–2155; *Le Breton* 2303–2304.

Inability of Sir T. Wilson to enter into any arrangement securing the heath in perpetuity to the public, *Clark* 3069. 3075——Witness is not authorised to say that Sir T. Wilson would undertake not to interfere with the heath if he were granted building powers over the Finchley estate; he will ascertain this for the Committee, *ib.* 3128–3138.

Witness, as lord of the manor of Hampstead, is not prepared to make any proposition or compromise with reference to a dedication of the heath to the public, *Sir T. M. Wilson* 6062, 6063. 6067–6069——Intention of witness to derive as much pecuniary advantage as possible from the heath, whether the Finchley-road Estate Bill be passed or not, *ib.* 6068–6088. 6099. 6113–6121. 6130–6142. 6161–6163——Witness never authorised his steward to state that he (witness) would agree not to interfere with the heath if empowered to grant ninety-nine years building leases on the Finchley-road estate, *ib.* 6089–6094.

12. *Complaint by the Lord of the Manor as to the opposition in respect of the Bill promoted by him in* 1829:

Reference to the loss by witness of his Bill of 1829, and to the outcry raised against him, as having deprived him of about 50,000 *l.* a year, *Sir T. M. Wilson* 6068——Further evidence as to the opposition made to witness's Bill in 1829, and as to his having been further thwarted by special provision introduced for the purpose into the Settled Estates Act, *ib.* 6117. 6133. 6148–9160. 6169–6173——Intention of witness, in 1829, to lay out the heath as recreation ground; he never gave any promise on the subject, and has no such intention now, *ib.* 6131–6142. 6161–6163.

13. *Corrupt Offer made with reference to a former Bill of Sir T. Wilson:*

Circumstance of a certain nobleman residing near the heath having, through his agent, offered to assist in passing a former Bill through the House if Sir T. Wilson would transfer to him twelve acres of the heath, *Clark* 3121. 3150–3154. 3199–3201. 3210–3213.

14. *Suggestions as to the course to be pursued in order to secure and maintain the Heath for the Public:*

Expediency of the whole of the heath being secured to the public, and also about 150 acres adjoining, *Turner* 2052. 2060. 2129. 2164——Statement in support of a considerable contribution by Government in order to aid the Metropolitan Board in securing the permanent public appropriation of the heath, *ib.* 2052–2061——Consideration of the question whether the districts adjoining the heath should not bear some extra expense with a view to the preservation; objection to this arrangement, unless applied generally in similar cases, *ib.* 2061. 2114–2117.

Calculation that the heath, and about 150 acres adjoining, might be secured to the public for about 100,000 *l.*, *Turner* 2063–2065. 2164–2167——Belief that the commoners would freely give up their rights of compensation in respect of pasturage, *ib.* 2069–2075——Disapproval of any large sales of outlying portions of the heath, in order to provide the means of preserving the rest as an open space, *ib.* 2118, 2119——Valuable character for building purposes of some of the land adjoining the heath, *ib.* 2164–2167.

Reference to an attempt previously to the formation of the Metropolitan Board of Works to obtain a grant from Government in order to preserve Hampstead Heath to the public; failure of this attempt, *Le Breton* 2204——Statement in favour of the cost of obtaining and preserving the heath for the public being borne by the Metropolitan

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14. *Suggestions as to the Course to be pursued in order, &c.*—continued.

Board, with the aid of a national grant, *Le Breton* 2207-2214. 2265, 2266. 2286——Objection to Hampstead paying a larger proportion than the rest of the metropolis, *ib.* 2207. 2284-2286——Advantage of a surface drainage of portion of the heath, *ib.* 2216-2218.

Means of producing a considerable sum from the sale of certain portions of the heath, which would not affect the public enjoyment, *Le Breton* 2267-2274. 2305-2307——Importance of an Act of Parliament empowering the Metropolitan Board to acquire the heath for public purposes; slight use of a mere acquisition by the Board of the common rights, *ib.* 2287-2291.

Suggested acquisition of land round the heath which might be sold to advantage whilst the heath itself should remain intact, *Clark* 3063. 3095-3099.

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Hankey, Thomas Alers. (Analysis of his Evidence.)—Resides at Epsom; is strongly opposed, on public grounds, to the proposed inclosure of Epsom Common, and adduces various objections to such inclosure, 2568-2583——Represents that it would also be a great hardship if Woodcote Green were interfered with or inclosed, 2573-2580.

Hawkins, John. (Analysis of his Evidence.)—Is solicitor and steward to Colonel Bowyer, lord of the manor of Clapham Common, 3640-3642——Difficulty of defining the portion of the common in the manors respectively of Clapham and Battersea, 3643-3650——Belief as to the existence of some freehold rights, 3651-3653. 3657, 3658——Willingness of Colonel Bowyer to enter into some arrangement for preserving the common in perpetuity to the public, 3654-3656.

Health. Importance of the preservation of the open spaces, with a view to the health of the public, *Second Report* vii.

Hertfordshire. List of parishes within fifteen miles of St. Paul's, and of the estimated quantity of common or waste land in each parish, *Appendix, First Report*, 79.

Howard, The Honourable James Kenneth. (Analysis of his Evidence.)—Is one of the Commissioners of Woods and Forests; has charge of Epping Forest, 4428, 4429——Total of about 7,000 acres as the extent of the forest, the Crown claiming merely the bare forestal rights, 4430-4432——Doubt as to the nature of the rights claimed by the lords of the manors in the forest; the soil belongs to them, 4433-4435——Employment of two keepers, in order to protect the Crown rights, 4436. 4552-4554. 4770, 4771——Abeyance into which the Verderers' Court has fallen; statement hereon that it is no part of witness's duties to revive these courts as a means of protecting the forest, 4437. 4473-4478. 4526-4538.

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Duty of witness, in administering the land revenues of the Crown, to look to the interests of the general public and ratepayers at large, irrespectively of the interests of any local section of the public, 4444. 4452-4454. 4521. 4584. 4656——Probability of certain land in Epping Forest having been inclosed, in respect of which the Crown's rights were sold, according to the Report of 1862; 4457——Objection by witness to produce the opinions of the law officers of the Crown, unless he has their sanction for so doing, 4458-4460, 4471. 4501, 4502. 4574-4581.

Circumstance of notice having been sent to the encroachers in the forest and to the lords of the manors, previously to the Report of 1862, offering the sale of the forestal rights, 4461-4467——Explanatory statement as to the steps taken by witness upon the question of a vindication of the Crown's rights over the manor of Chingford, St. Paul's, inclosed by Mr. Hodgson, 4468-4472. 4499, 4500——Case submitted by witness to the opinion of the law officers of the Crown in 1863, in consequence of the Report of the Select Committee of that year, 4470. 4499, 4500——Opinion of the law officers upon the foregoing case, that witness should report to the Treasury with reference to any "considerable" encroachments: effect thereof in precluding witness from taking any steps

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Large space of open forest still available for purposes of recreation, 4479, 4480. 4513——Issue by witness, of orders to the keepers, to prevent persons from shooting in the forest, 4481, 4482——Discontinuance by witness of visits to the forest, as only entailing useless expense, 4483, 4484——Belief as to the power of the lords of manors to inclose, if they leave a four-foot fence in satisfaction of the Crown rights, 4486-4499——Belief that if the rights were transferred to the Board of Works, they could not be made available for preventing encroachments and inclosures, 4492-4498. 4689-4704——Instances of inclosures or encroachments since the Report of the Committee of 1863, without any purchase of the forestal rights, or any interference by witness, 4503-4511. 4594-4607.

Examination in further explanation and defence of the course pursued by witness since the Resolutions of the Committee of 1863, and the subsequent opinion of the law officers; that is, in neither selling the forestal rights, nor taking any steps to abate encroachments, 4508 *et seq.*——Much more valuable rights of the Crown in the New Forest than in Epping Forest, so that constant supervision is exercised as regards the former, 4512. 4592——Total of 2,680 acres of uninclosed land in Epping Forest in respect of the forestal rights over which witness would have obtained about 12,000 *l.*, but for the Resolutions of the Committee of 1863; 4513-4518. 4539-4544.

Further information on the subject of the actual rights of the Crown over the forest; as a source of revenue, these are practically worthless, 4522-4574——Instance, previously to 1863, of a suit instituted by the Crown, when the case was compromised by the purchase of the forestal rights for 100 *l.*; great expense to the public through this litigation, 4546. 4672——Duties performed by the Crown keepers in reporting encroachments, and in keeping alive the forestal rights; instructions issued on these points, 4552-4554. 4674-4688. 4705, 4706. 4763-4771.

Circumstance of neither the soil nor the timber in Epping Forest belonging to the Crown, 4564-4574. 4591-4593——Statement as to the negative results of the communication between witness and the Metropolitan Board; view of Mr. Thwaites, that nothing could be done without fresh legislation, 4608-4615——Further reference to the opinion of the law officers of the Crown in 1863, as precluding expensive litigation from which no corresponding benefit could be derived by the enforcement of the forestal rights, 4627 *et seq.*

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Duty of witness to look solely to the pecuniary interests of the Crown, and of the public, whereas the expense to the public of putting a stop to inclosures in Epping Forest would be more than the Crown rights are worth, 4739-4747——Impracticability of further maintaining the forestal rights by keeping up a large supply of game in the forest, 4748-4751——Approval of litigation in defence of the Crown rights, where they are valuable, as in the New Forest, 4752-4758.

Hudson, Robert. (Analysis of his Evidence.)—Magistrate for Surrey; has resided on Clapham Common upwards of fifty years, 3603, 3604——Very deplorable state of the common in former years, 3605——Grant of leases of the common by the lords of the manors of Clapham and Battersea, under which it has been greatly improved by the residents, who have expended large sums for the purpose, *ib.*——Dispute as to the area over which the rights of Lord Spencer extend, as lord of the manor of Battersea, 3605-3608——Information relative to the supervision of the common; difficulty in obtaining the assistance of policemen, 3608-3612——Belief as to the possession of some rights by witness and other freeholders, 3613-3621.

I.

Illegal Inclosures. Absence of power in the Inclosure Commissioners to interfere against illegal inclosures, *Cooke* 177-181.

Suggestion that a Board of Trustees might be empowered to interfere as guardians of the public, so as to prevent illegal inclosures, *Second Rep.* xi.

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Inclosures (Inclosure Office):

1. *Generally as to the practice under the Inclosure Acts.*
2. *Practice as regards Recreation Grounds.*
3. *Question of increased power in the Commissioners on the foregoing point.*
4. *Question of Utilizing the Machinery of the Office in connection with Open Spaces near the Metropolis.*
5. *Proposed restriction as regards Inclosures within the Metropolitan Area.*

1. *Generally as to the Practice under the Inclosure Acts:*

Detailed character of the inquiry by the Commissioners before the inclosure of any common, *Cooke* 52–56——Necessity of each inclosure case being submitted to and sanctioned by Parliament, *ib.* 73–76——Varying regulations in each Inclosure Act previously to 1845 as to the respective rights of the lord and commoners, *ib.* 86–91——Statement showing that out of 1,562 acres of land within 15 miles of London inclosed under the Act of 1845, only 112 acres were waste land, *ib.* 96, 97——Course pursued in making applications for inclosures; these proceed more generally from the commoners than from the lord of the manor, *ib.* 118–120.

Inquiry by an Assistant Commissioner before a provisional order is made and sent to the locality, *Cooke* 120 —— Necessity of the provisional order being signed by the lord and by two-thirds in value of the commoners, *ib.* 120–123. 135–137——Discretion in the Commissioners not to inclose; that is, if the provisional order has not been submitted to Parliament, *ib.* 124–131——Opinion as to its not being the duty of the Commissioners to interfere as to the public policy of Inclosure Acts, but rather to leave such questions entirely to Parliament, *ib.* 141–145.

Nature of the facilities now afforded to Parliament for forming a proper judgment as to each measure, *Cooke* 146–154. 181–186——System of advertisement by the Commissioners in the event of applications for any inclosure; question considered as to the publicity ensured being sufficient in the case of projected inclosures near London, *ib.* 182–196——Examination upon the question whether the legal rights of the public should not be better protected than they now are in the event of the lord and the commoners consenting to any inclosure, *ib.* 207–247——Circumstance of the Commissioners not having the power to call for any information as to the rights of the poor people, *ib.* 263–265.

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The inclosures brought before witness as Commissioner have chiefly been in distant parts of the country, away from London, *Ridley* 338, 339.

Particulars of 1,562 acres of land inclosed under the General Inclosure Acts, *App. First Rep.* 81——Also of 1,651 acres in respect of which inclosures are now proceeding, *ib.*

2. *Practice as regards Recreation Grounds:*

Explanation of the practice of the Inclosure Commissioners with reference to the setting out of recreation grounds when inclosures are called for in the neighbourhood of towns, *Cooke* 48 *et seq.*——Directions in the Act 8 & 9 Vict. c. 118, as to the Commissioners reserving a certain area for recreation purposes in proportion to the population of the parish in which the common is situate, *ib.* 58-69——The largest quantity which the Commissioners can now insist upon is 10 acres, *ib.* 62——If called upon to inclose Wimbledon Common it would not be the Inclosure Commissioners' duty under the Act to take into consideration the population of London, *ib.* 65–72 ——Origin, under the Act of 1845, of the practice of setting out recreation grounds, *ib.* 84, 85.

Necessity of the Commissioners reporting to Parliament whenever recreation grounds are not provided, *Cooke* 92–94——Particulars of five inclosures, within 15 miles of London, now proceeding; area reserved in each case for recreation, *ib.* 97–99. 334.

Explanation of certain questions required by the Commissioners to be answered with reference to the towns and populations in the neighbourhood of the land proposed to be inclosed, *Cooke* 302–310.

The Commissioners, though prohibited from insisting upon more than a certain space for the public, do not feel precluded from accepting an excess of the required proportion, *Ridley* 345.

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TOOTING COMMON:

1. *Extent of the Common in Tooting Parish.*
2. *Particulars connected with the Purchase of the Common or Manor by Mr. Thompson.*
3. *Rights existing over the Common; Actions on the subject.*
4. *Proceedings with reference to an Inclosure of the Common.*
5. *Compromise between the Lord of the Manor and the Residents and Commoners.*
6. *Local feeling on the subject of Building on the Common.*
7. *Suggested Maintenance of the Common by the Board of Works.*
8. *Portion of the Common in Streatham Parish.*

1. *Extent of the Common in Tooting Parish:*

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2. *Particulars connected with the Purchase of the Common or Manor by Mr. Thompson:*

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Further statement as to witness having concluded that Mr. Thompson would not deal with the common to the prejudice of the public; the latter, however, gave no pledge on the subject, *Doulton* 4008-4015.

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Tooting Common—continued.

2. *Particulars connected with the Purchase of the Common, &c.*—continued.

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3. *Rights existing over the Common: Actions on the subject:*

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4. *Proceedings with reference to an Inclosure of the Common:*

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Turner, Thomas. (Analysis of his Evidence.)—Is treasurer of Guy's Hospital: for three years represented Hampstead at the Metropolitan Board of Works, 2047-2049——Information relative to several Bills brought in by Sir Thomas Maryon Wilson, in order to obtain building powers over land adjoining Hampstead Heath, 3050, 2051. 2062—— Expediency of the whole of the heath being secured to the public, and also about 150 acres adjoining, 2052. 2060. 2129. 2164——Statement in support of a considerable contribution by Government, in order to aid the Metropolitan Board in securing the permanent public appropriation of the heath, &c., 2052–2061.

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Victoria Park. Entire inadequacy of Victoria Park for the inhabitants of the east end of the metropolis, *Lovegrove* 3813–3836; *Marshall* 5462–5469.

Village Greens. State of the law in regard to the exercise of public rights over village greens which have been dedicated to the public from long user or otherwise, *Cooke* 36–37——Difficulty as to the technical definition of village greens; district right of the public as against the inclosure of these, *ib.* 139, 140. 248–262——Inquiry in each inclosure case, whether there is a village green, *ib.* 266, 267——Village greens are generally sufficiently well looked after, *ib.* 6277. 6286, 6287.

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Waltham Forest. See *Epping Forest.*

Wandsworth Common:

1. *Particulars Relative to Certain Railway Inclosures.*
2. *Details as to the Inclosures generally on the Common.*
3. *Question as to the Authority for the Inclosures.*
4. *Practice as to obtaining the Consent of the Homage.*
5. *Local Feeling and Local Action on the Subject of the Inclosures.*
6. *Rights of Copyholders as well as of the Lord of the Manor.*
7. *Condition of the Common through the State of the Gravel Pits, and the Want of Drainage.*
8. *Presence of Gipsies, &c., and Means of Supervision.*
9. *Annual Receipts of the Lord of the Manor.*

1. *Particulars Relative to Certain Railway Inclosures:*

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2. *Details as to the Inclosures generally on the Common:*

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Great diminution in the area of Wandsworth Common in the last twenty years, over which period witness's inquiries have been extended, *Forster* 5685——Total of about 140 acres authorised by Lord Spencer and his predecessor to be inclosed, for which the sum of 15,336*l.* has been received, *ib.*——The inclosures have been chiefly for charitable institutions, quasi public purposes, *ib.* 5685. 5700——Numerous applications to inclose have been refused, *ib.* 5685.

Particulars relative to the extent, price, &c., of inclosures during the last 20 years, *Forster* 5687–5704——Grant of 52 acres to the Patriotic Fund Commissioners in 1857; present of 1,500*l.* by Lord Spencer in this case, *ib.* 5697——Inaccuracy of a certain statement as to the lord of the manor being responsible for any footpaths over the common having been stopped up, *ib.* 5712, 5713. 5765–5770——Statement with reference to the intended erection of houses on about eight acres granted to Mr. Kellar in 1856, *ib.* 5728–5736.

3. *Question as to the Authority for the Inclosures:*

Reference to certain inclosures on Wandsworth Common in the time of witness's father as having taken place under the Statute of Merton, *Earl Spencer* 544–546. 649, 650——Belief as to the want of law or authority for the inclosures; with one exception they have not been made under Act of Parliament, *Rose* 1890. 1901. 1979–1985. 2011,

WANDSWORTH COMMON—continued.

3. *Question as to the Authority for the Inclosures*—continued.

2012——Doubt as to there having been any authority for the inclosures adjoining the gaol, *Rose* 1919–1923. 1986——Explanation of the circumstances under which an inclosure was put up by Mr. Tucker some years ago, and was broken down by Mr. Drax, *Forster* 5791–5795.

4. *Practice as to obtaining the consent of the Homage:*

Instances of grants of portions of the common without the consent of the homage, and without the commoners receiving any compensation, *Forster* 5771–5777. 5829–5841——Practice as to calling the homage together, and as to making inclosures without their consent, *ib.* 5772. 5830–5837——Inclosures have been made both with and without the consent of the homage, *ib.* 5772. 5831——The homage consists of seven or eight, *ib.* 5837.

5. *Local Feeling and Local Action on the Subject of the Inclosures:*

Statement as to the inclosures having been made contrary to the wishes of the inhabitants, *Rose* 1898–1901——Comparatively poor character of the residents, so that litigation with Lord Spencer has been out of the question; difficulty also on account of the uncertainty of the law, *ib.* 1914–1916. 1926. 2003–2010. 2027–2044——Circumstance of the residents not having combined in opposition to the inclosure for the railway; compensation paid by the company, but not in respect of any common rights destroyed, *ib.* 1960–1972.

Examination on the subject of the residents not having formally remonstrated at the time against the several inclosures, *Rose* 1987–2001——Remonstrance on one occasion with reference to some rifle butts, *ib.* 1989, 1990. 2002.

Absence of any remonstrance to Lord Spencer previously to 1863, on the subject of the inclosures, *Forster* 5715–5718——Some of the inhabitants have suggested that the whole common should be inclosed, *ib.* 5715. 5746, 5747——Explanation relative to a proposal for erecting some butts on the common for volunteers, *ib.* 5720, 5721——With regard to the deputation to Lord Spencer in 1863, it had reference only to the railway inclosures, *ib.* 5786–5790.

6. *Rights of Copyholders as well as of the Lord of the Manor:*

Doubt as to the existence of any common rights independently of the lord of the manor; limited number of copyholders, *Rose* 1935–1944. 2013–2022. 2045——Reference to the sale of portion of the common for building sites; absence of title in this case, *ib.* 1947–1949.

Conclusion that the copyholders of the manor are entitled to rights of pasture over the common, and that there are no other rights save those of the lord of the manor, *Forster* 5686——Very limited exercise of the rights of pasture, *ib.*——Extensive exercise by the lord of his rights, of authorising inclosures, and of selling turves and gravel, *ib.*

Opinion as to the right of the lord of the manor to keep the public off the common, except where there are rights of way, *Forster* 5812–5820. 5846, 5847——There are about fifty copyholders; limited rights possessed by them, *ib.* 5829. 5838–5841——No application was made by the copyholders for a portion of the money received from the railway company, *ib.* 5840, 5841——Except in cases of enfranchisement Lord Spencer has not bought up any of the rights of common, *ib.* 5842–5845.

7. *Condition of the Common through the State of the Gravel Pits and the Want of Drainage:*

Good state of the drainage when the inhabitants had a lease of the common, whereas now the common is a morass, and is prejudicial to health, *Rose* 1893–1895——Excessive excavations of gravel, so that the common is now of little use to the public, *ib.* 1896, 1897——Good state of the common generally when under lease to the inhabitants; refusal of Lord Spencer to renew the lease, *ib.* 1902–1906. 1945——Almost entire destruction of the avenue of trees on the east side of the common, *ib.* 1907–1909.

Care taken on the part of the lord of the manor in so taking gravel or turf from the common as to avoid waste and annoyance, *Forster* 5704. 5707——Blame attributable to the parish of Wandsworth on account of the manner in which it has exercised its right of digging gravel, *ib.* 5704. 5707. 5737–5741. 5778–5781. 5808, 5809——Statement on the subject of the drainage of the common, and the state of the gravel pits, *ib.* 5713–5715——Large space available for cricket, *ib.* 5715.

8. *Presence of Gipsies, &c., and Means of Supervision:*

Opinion as to the absence of nuisance from the gipsies, *Rose* 1918——Nuisance on the common from gipsies, prisoners coming out of the gaol, and from loose women; difficulty in dealing with these classes, *Forster* 5712. 5742–5752. 5810–5827——Infor-

WANDSWORTH COMMON—continued.

8. *Presence of Gipsies, &c., and Means of Supervision*—continued.

mation relative to the duties of the common keeper, and the instructions given to him to keep off trespassers and improper characters, *Forster* 5742–5752. 5783–5785. 5810–5827. 5846, 5847.

9. *Annual Receipts of the Lord of the Manor:*

Amount of the nett profits annually of the lord of the manor of Wandsworth, *Forster* 3712.

Wanstead Flats. See *Epping Forest*, 12.

Warlingham Inclosure (Surrey). Area of four acres reserved for recreation in the case of the Warlingham inclosure, *Cooke* 97.

Warren, James. (Analysis of his Evidence.)—Owner and occupier of some land in Chingford, near Epping Forest, 4954–4956——There have been a great many encroachments within the forest, 4957——Mr. Hodgson has inclosed a considerable quantity of land in the manor of Chingford; particulars hereon, 4958–4991.

Watkins, Charles. (Analysis of his Evidence.)—Is forest keeper and purlieu ranger of Waltham or Epping Forest, 4992——There is but one keeper besides witness; fifteen or twenty years ago there were ten keepers, 4993–4997——Duties of the keepers to protect the deer, and to report upon any inclosures, 4998, 4999——Very few deer now in the forest, 5000–5004——Instances of reports by witness to the Office of Woods in the matter of encroachments; exceptional occasions of any steps having been taken thereupon for the prevention of inclosures, 5005–5007. 5013–5020. 5039 *et seq.*

Circumstance of there being now but one verderer, so that no quarterly courts can be held, and no verderer's functions exercised, 5008–5012. 5104–5108——Great numbers of people resorting to the forest, 5021–5023——Particulars relative to the Easter Monday Hunt; large concourse present on the last occasion, 5024–5038——Protest made by witness's father, as keeper, as well as by witness against the inclosure by Mr. Hodgson, 5050, 5051——Continuance of encroachments, notwithstanding the presentments made by witness to the Woods and Forests, 5052–5067.

Dispute by Mr. Hodgson of witness's right to go upon his inclosure; instruction subsequently from Mr. Howard that witness was to continue to assert the Crown rights over the inclosure, which has accordingly been done, 5068–5075. 5083–5089——Witness is supposed to know over what parts the Crown rights have or have not been sold, and to exercise jurisdiction accordingly, 5076–5079——Wages of witness; only a portion of his time is devoted to his duties as keeper and ranger, 5080–5082——Diminution in the number of keepers further adverted to, 5093–5096——Duties of the former office of Woodward of the Forest, 5097–5103——With regard to certain inclosures in Loughton Manor, witness is not aware of any purchase of the Crown rights, 5109–5120.

West Ham. Inclosure of some common land in West Ham parish, buildings, however, not having been erected, *Marshall* 5459–5461.

Weybridge (Inclosure of Land). Power of the Charity Commissioners in regard to inclosure under the Act 39 & 40 Geo. 3, c. 87, relative to open commons, &c., in the parishes of Weybridge and Byfleet; refusal of inclosure in this case, the poor of Weybridge being opposed thereto, *Erle* 4872, 4873. 4944, 4945.

White, George. (Analysis of his Evidence.)—Solicitor at Epson; is Clerk to the local Board of Health, 2543, 2544——Fully confirms the evidence of Mr. Mason in favour of the inclosure of Epsom Common, 2545–3549——Very wet state of the common, whilst, independently of it, there is ample space on the adjacent downs for purposes of health and recreation, 2547——Limited use of the common by the copyholders for depasturing cattle, 2547, 2548——General feeling of the copyholders and inhabitants in favour of the inclosure, 2548. 2559–2567——Opinion of medical men as to the advantage of draining the common on the score of health, 2550——Statement that the inclosure would not be prejudicial as regards existing rights over Woodcote Green, 2551–2558.

Wilkinson, Josiah. (Analysis of his Evidence.)—As Colonel of the Second Administrative Battalion of Middlesex Rifle Volunteers, testifies to the great value of Hampstead Heath for drill and parade purposes, 2337–2342.

Williams, William. (Analysis of his Evidence.)—Solicitor; has resided near Wimbledon Common for fifteen years, and has known the common for twenty-five years, 1627–1630——Witness bought and built upon land facing the common on the conviction the latter could not be inclosed, 1630–1633——In order to have a right to be consulted as to any intention of dealing with the common, witness has purchased a copyhold cottage and garden at Putney, 1634–1637——Witness is one of the committee at Wimbledon appointed at the suggestion of Lord Spencer to consider the proposals in his Bill, 1638.

Reports, 1865—*continued.*

Williams, William. (Analysis of his Evidence)—*continued.*

Statement as to the claims put forward in the evidence of Lord Spencer and Mr. Forster having been so asserted for the first time before the present Committee, 1639–1644. 1669——Necessity of such claims being sifted in a court of law, in order to arrive at a proper legal decision, 1645–1653——Practice of the inhabitants of Wimbledon, &c., in regard to turning their cattle upon the common; causes which have led to a diminution in the number turned out in recent years, 1654–1661.

Reference to Manning and Bray's History of Surrey, and to the Parliamentary Survey of the Manor of Wimbledon in 1649, as showing the respective rights of the lord, and of the copyholders and commoners, 1662–1668——Explanatory statement relative to the conclusions arrived at in respect of Lord Spencer's Bill by a committee appointed at a meeting at Wimbledon, of which committee witness is a member, 1669, 1670——Resolution adopted at different meetings of the inhabitants of Wimbledon, adverse to the proposed inclosure and sale of land, 1669–1671——Resolutions in favour of supplying locally the funds for improving and managing the common, if left undiminished in extent, and uninclosed; concurrence of witness in this proposal, 1669–1671. 1682–1684.

Representation made to Lord Spencer in favour of his adoption of the principles of the Clifton and Durdham Downs Act of 1861; 1669, 1670——Resolutions arrived at in regard to the resident inhabitants being represented in the management of the common, 1670, 1671——Opinion retained by Lord Spencer in favour of an inclosure of the common, notwithstanding the representations submitted to him on the subject, 1670. 1672–1675——Similar resolutions adopted at meetings at Wandsworth and Putney as at Wimbledon, 1676–1681.

[Second Examination.]—Very strong feeling at Putney against the proposed inclosure, 1685——Belief that a rate might easily be levied from Putney and Wimbledon, in order that the common be secured to the public as an open space, 1686——Opinion as to witness enjoying common rights as a copyholder, though he has not exercised them, 1687–1695——Obstacle to inclosure by Lord Spencer, under the Statute of Merton, as he must leave sufficient for the pasturage of the commoners uninclosed, 1696.

Copy of petition against Lord Spencer's Bill on the part of owners and occupiers in the parishes of Wimbledon, Putney, and Wandsworth, 1697–1699——Expediency, in the interests of the public, of the common being dedicated to them by the lord, and of his foregoing any rights or claims which might interfere with their enjoyment of it; as one of the public, witness would be grateful for this concession, 1700–1703. 1717–1728——Proportion of the copyholders who have consented to the inclosure, and number who have dissented and are neutral, 1704–1707. 1826–1832——Approval of a dedication similar to that in the case of Durdham Downs, 1708.

Witness has constantly seen persons playing different games on the common, but there has been no notice warning them off, 1709–1715——Whatever right the public may have by user, it would be a boon if the lord were to give up his rights in their favour, 1717–1723——Advantage of the right of the public being settled by Act of Parliament, 1724–1730. 1796——With regard to the rights asserted by Lord Spencer, he has by his amended scheme given up his pasturage rights for the benefit of the public, 1731–1739.

Statement as to the intended inclosure of a piece of the common near Cæsar's Camp having been abandoned in consequence of the opposition made, 1740–1745——Claims of others besides the lord of the manor to dig gravel, 1746–1749——Explanation as to the copyholders not having searched the Court Rolls in order to ascertain their actual rights, 1750–1754——Opinion that the right of common is conferred by the cottage sites, and that the actual existence of ancient cottages is not essential, 1755, 1756.

Facility of providing locally for the expense of drainage, 1757–1762. 1807–1810——Willingness of the inhabitants to consent to a rate for defraying the management expenses, 1763–1768——Suggestion in regard to the parishes and the commoners being represented at the Board of Trustees, 1769–1773. 1780——Doubt as to the number of copyholders holding or exercising rights over the common, 1774–1776——Explanation that the Committee at Wimbledon for considering Lord Spencer's scheme was appointed as representing the public apart from the copyholders, and was so communicated with by Lord Spencer, 1774–1782. 1834.

Further considerations as to the degree of weight to be attached to the evidence of Lord Spencer and Mr. Forster as to the rights of the former in regard to inclosure, &c., 1783–1804——Absence of boon to the public if only 700 acres, or thereabouts, are to be dedicated to them, and if at the same time Lord Spencer requires increased powers as to sale and inclosure, 1798–1804. 1812–1815——Decided objection to any kind of fence, 1805, 1806——Anticipated removal of difficulty as regards the sale of land if option be given to obtain the required expenditure locally, 1809–1811.

Protection to the public through the common rights being unascertained, 1813——Stronger opposition as regards the sale clauses in the Bill, on the part of Roehampton and Putney, than on the part of Wimbledon, 1816——Understanding as to Lord Spencer's object being to serve the public, and as to the proposed sale having reference to public purposes, 1818.

Reports, 1865—*continued.*

Williams, William. (Analysis of his Evidence)—*continued.*

Proposal on the part of the people of Wimbledon, Putney, &c., that the whole of the common be dedicated to the public as an open space, and that certain land be reserved for sale, in order to secure that the expenses are met, but that if the required money be provided locally within a given time, the powers of sale shall not be exercisable at all, 1816–1825——Proposition in regard to the mode of compensating Lord Spencer for his right to dig gravel, 1819. 1834–1837——Considerable nuisance from deposits of refuse on the common; power of the keeper to prevent this, 1838–1843.

Wilson, Sir Thomas Maryon, Bart. (Analysis of his Evidence.)—Lord of the Manor of Hampstead; is not prepared to make any proposition or compromise with reference to a dedication of the heath to the public, 6062, 6063. 6067–6069——Considerable extent of the manor of Hampstead, 6064——Total of about 300 acres of waste land comprised in the heath, 6065, 6066——Intention of witness to derive as much pecuniary advantage as possible from the heath, whether the Finchley Road Estate Bill be passed or not, 6068–6088. 6099. 6113–6121. 6130–6142. 6161–6163.

Reference to the loss by witness of his Bill of 1829, and to the outcry raised against him, as having deprived him of about 50,000 *l.* a-year, 6068——Large revenue which witness might raise under his power of granting twenty-one years' building leases, 6070, 6071 6075–6080. 6106, 6107——Belief as to there being no rights of pasturage over the heath, which could prevent witness from inclosing, 6072, 6073. 6098. 6122–6129. 6166–6168——Witness never authorised his steward to state that he (witness) would agree not to interfere with the heath if empowered to grant 99 years' building leases on the Finchley Road Estate, 6089–6094.

Right of witness to grant twenty-one years' building leases of the heath, without any Act of Parliament on the subject, 6095–6098. 6107–6112. 6122–6125——Statement to the effect that the public or the inhabitants have no right whatever to use the heath, 6100–6105. 6125–6129. 6145–6147. 6174–6184——Further evidence as to the opposition made to witness's Bill in 1829, and as to his having been further thwarted by special provision introduced for the purpose into the Settled Estates Act, 6117. 6133. 6148–6160. 6169–6173.

Intention of witness in 1829 to lay out the heath as recreation ground: he never gave any promise on the subject, and has no such intention now, 6131–6142. 6161–6163——Right of witness's successor to grant long building leases, 6164, 6165——Injustice to the remainder man as well as to witness by the restriction upon building on the Finchley Road Estate, 6184–6187.

Wimbledon Common:

1. *Explanatory Statement on the part of the Lord of the Manor in connexion with the Wimbledon Inclosure Bill.*
2. *As to the Management of the Common.*
3. *As to the proposed Sale of portions of the Common.*
4. *As to the proposed Fence or Mode of Inclosure.*
5. *Drainage.*
6. *Tramps and Gipsies.*
7. *Rubbish Accumulations.*
8. *Roads and Rights of Way.*
9. *Volunteers (National Rifle Association).*
10. *Detailed Statement on the subject of the Rights of the Lord of the Manor and of the Commoners or Copyholders.*
11. *Cost of Compensation of Commoners in the event of Inclosure.*
12. *Question of Crown Rights over the Common.*
13. *Uninterrupted Use of the Common by the Public; Question as to their Right in the Matter.*
14. *Wimbledon Green; its Use by the Public.*
15. *Instances of Inclosure in recent Years.*
16. *Profits derived by the Lord of the Manor.*
17. *Exceptions taken generally to the Scheme of Lord Spencer.*
18. *Local Feeling on the subject of the Scheme.*
19. *Question of a Local Rate for effecting Improvements.*
20. *Conclusions and Recommendations of the Committee.*

1. *Explanatory Statement on the part of the Lord of the Manor in connexion with the Wimbledon Inclosure Bill:*

Witness, as lord of Wimbledon Manor, proposes to dedicate to the public a considerable portion of his rights, *Earl Spencer* 389–391——Is prepared to give the fullest consideration to the suggestions of the Committee, but cannot bind himself to adopt them, *ib.* 394–397——Summary of the reasons which have induced witness to bring forward the Wimbledon Inclosure Bill, *ib.* 397——Desire of witness to aid in the retention for the public of the large open spaces near the metropolis, *ib.*——Expediency of removing the uncertainty which has prevailed about the different rights over the common, *ib.*

Intended

Reports, 1865—*continued.*

WIMBLEDON COMMON—continued.

1. *Explanatory Statement on the part of the Lord of the Manor, &c.*—continued.

Intended dedication to the public of a space of about 700 acres, *Earl Spencer* 397—— Proposed arrangement of the commoners' rights by compensation, whilst the rights of witness should be defined and restricted, *ib.*——Contemplated reservation of witness's right to dig gravel, *ib.*——Explanation that if witness's rights be disputed he must reserve to himself the course he will pursue as regards dedication to the public, *ib.*

Various and increasing difficulties as to the rights over the common, which the scheme of witness would remove, whilst it would give to the public the enjoyment of the common, *Earl Spencer* 403-409——Willingness of witness to have his rights of gravel digging assessed as a charge upon the park, *ib.* 423–426——Proposed arrangement as to the payment to be made to witness in respect of the receipts from pasturage and from gravel digging, *ib.* 489——Advantage in some 700 acres at Wimbledon being ensured to the public without any chance of being built over, *ib.* 575–579.

Further statement as to the weight to be attached by witness to the decision of the Committee, *Earl Spencer* 585–587. 614——Possibility of the open space being built over, *ib.* 613——Small quantity of land proposed to be reserved to witness, *ib.* 623–625 —— Reason for witness not proceeding by an ordinary Inclosure Bill, *ib.* 626-629.

Public object of witness in promoting the Wimbledon Bill; he does not acquire any pecuniary interest thereby, *Earl Spencer* 645–648. 673–683——Witness has no desire whatever to gain any further advantage from the common than he has hitherto derived, *ib.* 674——Probable willingness of witness to go on without the Bill, even if the Committee upon it should decide against the fence; that is, if his legal rights are not disputed, *ib.* 693–704——Those portions of the land not included in the Bill will remain in the same state as the present common, *ib.* 705.

Several reasons for which it was desirable that Lord Spencer should proceed with his scheme by means of a Bill, although his powers were probably ample for the purpose without an Act of Parliament, *Forster* 762–766. 799, 800——Grounds for the statement that Lord Spencer not only derives no benefit from the Bill, but gives up thereby very valuable rights, *ib.* 767–788——Relinquishment of Lord Spencer's pecuniary rights in consideration of an equivalent rent-charge to be paid by the trustees, *ib.* 767–776—— Continued right of Lord Spencer to any of the land not included in the Bill, and not required to be sold; his title to this land would not be improved by the Bill, *ib.* 778–788.

Apprehended litigation if Lord Spencer had proceeded with his scheme without an Act of Parliament, *Forster* 800—— Further statement as to Lord Spencer's object in applying for an Act of Parliament; absence of legal right in the public to use the common without such Act, *ib.* 830–832——Continuance of any common rights that may now exist as regards that portion of the common not affected by the Bill, *ib* 866–868—— Similar position of the lord as at present in regard to those portions of the common not dealt with by the Bill, *ib.* 1029–1033.

Modification of the proposal as to the compensation to the lord of the manor; witness will submit the amended scheme, the alteration being unfavourable pecuniarily to Lord Spencer, *Forster* 1043–1048.

2. *As to the Management of the Common:*

Reason for proposing the management should be in the hands of trustees, one of whom should be a Government official, such as the Chief Commissioner of Works, *Earl Spencer* 429–433——Probable opposition to the Volunteer Association and their meetings in the park if the management were in local hands, *ib.* 430–432——Explanation as to its being proposed to defray the cost of management out of the current receipts of the park, *ib.* 482–489——Inexpediency of the local interest predominating in the management of the common when inclosed, *ib.* 589–592.

Non-objection to the proposed inclosed space being under the Metropolitan Board of Works, *Earl Spencer* 593, 594——Probable advantage in transferring the management to the Board of Works, *Forster* 801. 808–810—— Disapproval of the management of the common being transferred to the Metropolitan Board, *Sulivan* 1295–1297.

Approval of a local management of the common, due regard being had to the interests of the public generally, *Burrell* 1360–1362. 1366–1370——Conclusions arrived at locally in regard to the resident inhabitants being represented in the management of the common, *Williams* 1670, 1671——Suggestion in regard to the parishes and commoners being represented at the board of trustees, *ib.* 1769–1773. 1780.

3. *As to the proposed Sale of Portions of the Common:*

Contemplated sale of outlying portions of the common in order to meet the expense of fencing, drainage, &c., *Earl Spencer* 397——Proposed compensation of the common rights by the receipts from the sale of land, *ib.* 427, 428——Estimate of 44,000 *l.* as the produce of the land which would be available for sale in order to carry out the scheme comprised in the Inclosure Bill, *ib.* 434–438.

Reports, 1865—*continued.*

WIMBLEDON COMMON—continued.

3. *As to the proposed Sale of Portions of the Common*—continued.

Total of 15,000 *l.* or 16,000 *l.* as the expense necessary for drainage, fencing, &c., so that only a portion of the land scheduled for sale need be sold, *Earl Spencer* 439-455. 482-484. 490-493——Proposal as regards the land for sale, that gentlemen in the neighbourhood may have the right of pre-emption, *ib.* 462, 463——Total of about 158 acres proposed to be sold, *ib.* 464-471——Explanation as to the situation, &c. of the land selected for sale, *ib.* 548-559——Probability of a large portion of the land reserved for sale not being so required, and being allowed to remain as at present, *ib.* 661-664.

Question considered whether the additional expense of management in the absence of fences, might not be met by the sale of a larger portion of the outlying land, *Forster* 804-807——Explanation of the proposition as to the land reserved for sale, *ib.* 1034-1042——Suggestion in regard to the portion of the common most desirable for sale, *Lord Elcho* 1169, 1170. 1177, 1178.

Statement as to the land proposed to be sold being the most desirable portion as regards public enjoyment, *Sulivan* 1216. 1227. 1289, 1290——Absence of security to the public as to the mode in which the proposed trustees might act in regard to sales of portions of the common, *ib.* 1227, 1228——Opinion that the land proposed for sale would realise more than has been estimated by Lord Spencer, *ib.* 1238-1242——Expediency of its being clearly defined as to the actual land which might be sold, *ib.* 1243-1246——Valuable pasturage on the land proposed to be sold, *ib.* 1269, 1270. 1289.

Disapproval of sales of any part of the common, *Oliver* 1538, 1539. 1608, 1609——Anticipated removal of difficulty as regards the sale of land if option be given to obtain the required expenditure locally, *Williams* 1809-1811——Proposal on the part of the people of Wimbledon, Putney, &c., that the whole of the common be dedicated to the public as an open space, and that certain lands be reserved for sale in order to secure that the expenses are met, but that if the required money be provided locally within a given time the powers of sale shall not be exercisable at all, *ib.* 1816-1825——Understanding as to Lord Spencer's object being to serve the public, and as to the proposed sale having reference to public purposes, *ib.* 1818.

4. *As to the proposed Fence or Mode of Inclosure:*

Proposed fencing of the space to be dedicated to the public, *Earl Spencer* 397——Misapprehension conveyed in the term "inclosure" of the common, *ib.* 411-414——Object of a fence chiefly for the exclusion of tramps and their waggons, and for confining the cattle within a certain area of pasturage, *ib.* 411-417. 514-518. 584——Estimate of 4,800 *l.* as the cost of a high fence; a less outlay would probably answer the purpose, *ib.* 442, 443. 506-509.

Expediency of the present Committee making due enquiry into, and recording their opinion upon the question of inclosure, *Earl Spencer*, 504, 505——Amount of expense to be saved if the common be retained as an open space, *ib.* 506-513——Doubt whether the tramps can be effectually excluded without a fence in addition to keepers, *ib.* 582-584. 622——Approval of the fences and gates being so arranged that volunteers and the public may have the utmost facility of access, *ib.* 595-604——Increased expense necessary for keepers if the common be left open, *ib.* 670-672.

Advantage of the fences in protecting the pasturage and lessening the expense for keepers, *Forster* 802, 803——Power of the proposed trustees to alter the fence round the common, and to plant a fence in any separate portions of it; improbability of any injury to the public on this score, *ib.* 811-824——Simple character of the fence proposed by Lord Spencer, *ib.* 827.

Obstruction arising from any fence round Wimbledon Common, no matter how simple it may be, *Hon. E. B. Wrottesley*, 1140-1145; *Burrell* 1325; *Williams* 1805, 1806——Decided objection on the part of the public to the high fence first proposed; approval however of the post and rail fence since substituted, *Lord Elcho* 1167, 1168. 1172-1174——Objection to a fence of any kind as an obstruction to the public, whilst a light fence would be useless to the volunteers, *Sulivan* 1220. 1228. 1231, 1232. 1237——Remarks upon the mode in which the inclosed space might be dealt with under the Bill; approval of the formation of a lake, *ib.* 1221-1224.

Question considered whether an open post and rail fence might not be erected if Lord Spencer would dedicate the common to the public; expediency in such case of the commoners having a right of pasturage, *Oliver*, 1565-1570. 1586, 1587. 1603-1622.

5. *Drainage:*

Contemplated drainage of the common under witness's scheme, *Earl Spencer* 397——Numerous complaints in recent years as to the condition of the common, *ib.*——Great importance of drainage, for which purpose plans were prepared by Mr. Scott for the National Rifle Association, *ib.* 410. 418-422——Probability of the drainage being effected

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5. *Drainage*—continued.

effected for 3,000 *l.*, *Earl Spencer* 442——Very imperfect drainage by the Rifle Association so that a large outlay is still necessary, *ib.* 658–660.

Witness shows that Wimbledon is at present a peculiarly healthy locality, *Sulivan* 1205–1207——The common has been much improved by the surface drainage effected by the National Rifle Association, so that the further drainage required would not be expensive, *ib.* 1208–1210. 1236. 1258——Evidence in favour of an improved drainage of the common by means of local subscriptions, rather than the sale of any portion of the land, *ib.* 1228. 1234–1236. 1281——Increased value of the grazing when drainage is carried out irrespectively of any fence, *ib.* 1271–1274. 1288——Willingness of the residents to provide any money required for drainage, &c., if there were no inclosure and no sale of land, *Burrell* 1326, 1327. 1384–1387; *Williams*, 1757–1762. 1807–1810.

Unduly large sum necessary for the drainage and fencing proposed by Lord Spencer, *Oliver* 1537–1540. 1581, 1582——Small amount really required on the score of drainage, so that it might be obtained from the residents; suggestions hereon as to the character of the drainage desirable, *ib.* 1539–1565. 1571–1578. 1583–1585——Circumstances under which subscriptions were raised many years ago for a small drainage improvement, *ib.* 1553–1555. 1596–1602——Dissent from the view that the common is very swampy, and so in want of drainage as to be injurious to health, *ib.* 1557–1561. 1575, 1576——Facility of providing locally for the expense of drainage, *Williams* 1757–1762. 1807–1810.

6. *Tramps and Gipsies:*

Increased facilities contemplated for the removal of gipsies and tramps, *Earl Spencer* 397——Statement in illustration of the strong feeling in the neighbourhood as to the nuisance arising from tramps and gipsies, *ib.* 401, 402——Improbability of tramps going to that portion of the common not sold and not included in the inclosure, *ib.* 578–581 —— Recent instances of complaint with respect to the conduct of the tramps and gipsies, *ib.* 631–633. 665–667, 690–692——Liability of the common to injury from fires caused by tramps and gipsies, *ib.* 686, 687.

Large number of gipsies occasionally on Wimbledon Common, *Forster* 909–911—— Instances of gipsies having been proceeded against for trespass of their cattle or horses, *Earl Spencer* 1064–1067.

Sufficiency of two keepers for entirely protecting Wimbledon Common against gipsies; the expense would not exceed 100 *l.* a-year, *Hon. E. B. Wrottesley* 1083–1087—— Power of the lord of the manor to remove from the common gipsies with tents and vehicles, *ib.* 1088–1099. 1116–1118. 1129.

The nuisance arising from gipsies and tramps has been much exaggerated, especially as regards the former, and might be prevented altogether by the employment of a couple of common-keepers, *Sulivan* 1211–1215. 1282–1287——Willingness of the residents to assent to a small rate, in order to provide keepers for preventing any nuisance from tramps, gipsies, &c., that is, if the scheme for inclosing or selling any of the land be given up; approval of this arrangement, *ib.* 1228. 1233, 1234. 1275–1284. 1291–1294—— Absence of any serious inconvenience from the gipsies, *Oliver* 1522–1524. 1588, 1589.

7. *Rubbish Accumulations:*

Satisfaction expressed with the present state of the common; exception as regards some accumulations of manure, *Sulivan* 1225, 1226——Inconvenience arising from rubbish accumulations; these might be prevented by the common-keeper, *Oliver* 1525–1529—— Considerable nuisance from deposits of refuse on the common; power of the keeper to prevent this, *Williams* 1838–1843.

8. *Roads, and Rights of Way:*

Expediency in any case of an outlay upon the roads, *Earl Spencer* 511–513——Admission as to the public rights of way; intention to improve them, *Forster* 742–746. 789–794——Further statement as to there being no intention of interfering with any rights of way, *ib.* 1019–1023.

9. *Volunteers* (*National Rifle Association*):

Difficulty in regard to the use of the butts of the National Rifle Association, as at present located, *Earl Spencer* 630——Considerations as to the authority under which the lord of the manor acted in dealing with the common as regards butts and inclosures for the National Rifle Association, *Forster* 864, 865. 876–898.

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TO THE

REPORTS

FROM THE

SELECT COMMITTEE

ON

OPEN SPACES (METROPOLIS).

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1865.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

PICCADILLY AND PARK LANE NEW ROAD BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1865.

COMMITTEE OF SELECTION.

Friday, 17 *March* 1865.

Committee on Piccadilly and Park Lane New Road Bill, appointed.

MEMBERS OF THE COMMITTEE:

Mr. Monsell (Chairman).
Sir Philip Grey Egerton.
Mr. Bramston.
Mr. J. A. Turner (Manchester).

To meet on Tuesday, March 28th, at one O'clock.

Monday, 27 *March* 1865.

The meeting of the Committee on the Piccadilly and Park Lane New Road Bill is postponed until Thursday next, at One o'olock.

Tuesday, 28 *March* 1865.

The meeting of the Committee is further postponed until Friday next, at One o'clock.

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PROCEEDINGS OF THE COMMITTEE.

Veneris, 31° *die Martii*, 1865.

MEMBERS PRESENT:

Mr. MONSELL, Chairman.

Mr. Bramston.
Sir Philip Grey Egerton.
Mr. J. A. Turner.

Counsel for the Bill:—Mr. *Phinn*, Q.C., and Mr. *Wilkinson*.

Agents:—Messrs. *Dyson* & Co.

Petitions against the Bill were read from—

1. Duke of Buccleuch and Queensberry.
2. Duke of Sutherland.
3. Marquis Conyngham.
4. Honourable Henry Butler Johnstone Munro, and Honourable Isabella Margaret Munro Butler Johnstone Munro.
5. Sir Edward Clarence Kerrison.
6. Executors and Trustees of H. D. Blythe.
7. Guardians and Trustees of Earl of Eldon.

Counsel for these Petitioners:—Mr. *Denison*, Q.C., Mr. *Burke*, Q.C., Mr. *Loch*, Q.C., and Mr. *Round*.

Agent:—*Edward Walmisley*.

Petitions were also read from—

1. Vestry of St. Pancras.
2. Honourable and Rev. Thomas Coventry and William Mark Fladgate.
3. Lord Willoughby D'Eresby.

No parties appeared in support of these Petitions.

Mr. *Phinn*, Q.C., on behalf of the Promoters, addressed the Committee in support of the Preamble of the Bill; and called Sir *Richard Mayne*, Mr. *Thomas Allan Britton*, His Royal Highness The Duke of *Cambridge*, and Mr. *George Vulliamy*, who were severally sworn, and examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 3° *die Aprilis*, 1865.

MEMBERS PRESENT:

Mr. MONSELL, Chairman.

Sir Philip Grey Egerton.	Mr. J. A. Turner.
Mr. Bramston.	

ON BEHALF OF THE PROMOTERS OF THE BILL.

Mr. *George Vulliamy* recalled, and further examined.

Mr. *Frederick Marrable*, Mr. *William Tite*, a Member of the House, Mr. *George Pownall*, Mr. *John Shaw*, and Mr. *Frederick Chinnock*, were severally sworn, and examined.

IN SUPPORT OF THE PETITIONS AGAINST THE BILL.

Mr. *Charles Lee*, Mr. *Frederick Ouvry*, and Mr. *Thomas Cundy*, were severally sworn, and examined.

[Adjourned to Wednesday next, at Twelve o'clock.

Mercurii, 5° *die Aprilis*, 1865.

MEMBERS PRESENT:

Mr. MONSELL, Chairman.

Mr. J A. Turner.	Sir Philip Grey Egerton.
Mr. Bramston.	

IN SUPPORT OF THE PETITIONS AGAINST THE BILL.

Mr. *Thomas Marsh Nelson*, Mr. *Charles Pennethorne*, The Honourable *Charles Alfred Gore*, Sir *Edward Clarence Kerrison*, a Member of the House, and Mr. *George Rigby*, were severally sworn, and examined.

Mr. *Denison*, Q.C., addressed the Committee on behalf of the Petitioners against the Bill.

Mr. *Phinn*, Q.C., replied on behalf of the Promoters.

Room cleared. Committee deliberated.

Question, "That the Preamble is proved,"—put, and negatived.

Parties called in, and informed of the decision of the Committee.

Question, "That this Bill be reported to the House,"—put, and agreed to.

Ordered, To Report.

MINUTES OF EVIDENCE.

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THE RIGHT HONOURABLE WILLIAM MONSELL, IN THE CHAIR.

THE Petition in favour of the Bill was read.

Mr. *Phinn* and Mr. *Wilkinson* appeared as Counsel in support of the Petition.
Messrs. *Dyson & Company* appeared as Agents.

The following Petitions against the Bill were read:—

The Petition of the Vestry of the Parish of St. Pancras.
No Person appeared in support of the Petition.

The Petition of the Vestry of the Parish of Bermondsey.
No Person appeared in support of the Petition.

The Petition of Lord Willoughby de Eresby.
No Person appeared in support of the Petition.

The Petition of the Duke of Buccleuch and others.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of the Duke of Sutherland.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of the Marquis of Conyingham.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of the Honourable Henry Butler-Johnstone Munro, and Honourable Isabella Munro Butler-Johnstone Munro.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of Sir Edward Clarence Kerrison, Bart.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of the Executors and Trustees of Henry David Blyth.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

The Petition of the Guardians and Trustees of the Earl of Eldon.
Mr. *Denison*, Mr. *Burke*, Mr. *Loch*, and Mr. *Round*, appeared as Counsel in support of the Petition.
Mr. *Walmesley* appeared as Agent.

Mr. *Phinn* was heard to address the Committee in support of the Petition in favour of the Bill.

Upon the question, whether the Estimates (which had been discussed before the Referees) should also be brought before this Committee,

After some discussion,

The *Chairman* stated that the Committee were of opinion that the Estimates must be brought before the Committee, the question being now not one of the sufficiency of the Estimates, but one of comparison between two schemes.

Sir Richard Mayne, sworn; Examined by Mr. *Phinn*.

Sir *R. Mayne.*

31 March 1865.

1. You are Commissioner of Police for the Metropolis?—I am.

2. In that capacity we all know the great services which you render in managing the traffic as well as you can; has your attention for some years been directed to Park-lane?—Very frequently and most prominently.

3. Will you state in a few words what your opinion of the present state of the traffic there is?—The width of Park-lane, especially at that end (*referring to the Map*) is utterly inadequate, and great interruption, delay, and danger occur; there is a peculiar sort of traffic that has increased very much, and which has even aggravated all the original difficulties. Since the opening of the Victoria Station in Pimlico, there is a direct traffic to a very considerable extent of the large omnibuses, even three-horse omnibuses, in connection with the two lines both ways.

4. We hear that the minimum space is 18 feet; a three-horse omnibus will pretty well cover that space, will it not?—Yes; there are also other peculiarities; the traffic entering into Gloucester House, near the gate, necessarily takes a sweep which occupies the whole of the street.

5. There is a very attractive place opposite Gloucester House, a beer-shop?—Yes; every year, especially during the meeting of Parliament; I have letters, very numerous indeed, complaining of the obstructions from that public-house; all the waggoners coming both ways stop there, and that makes almost, from the waggons themselves, a complete obstruction; and there are, likewise, large droves of cattle and flocks of sheep coming down from the Metropolitan Market for the whole of the supplies of the butchers in Belgravia; they pass down that narrow part of Park-lane; the cattle going slowly, and the sheep wandering about, make a great obstruction to traffic.

6. During the day the Park, because of the gates being open, mitigates the obstruction?—Considerably; during the season, when large parties are given in the part between Park-lane and Apsley House, the road would be utterly impassable, but it has become a practice for the Ranger to allow Stanhope-gate, and the gate at Hyde Park Corner to be open, and carriages pass round in that way; otherwise it would be absolutely impossible for persons to get to or from any of their houses in the line between Park-lane and Hyde Park Corner at such times.

7. Every body, in fact, knows of the obstruction to traffic, and I suppose danger, at Park-lane?—It is very considerable.

8. Your attention was directed to this as early as 1862?—I brought it forward then first in a letter; it was then likely to be very much increased owing to the Exhibition.

9. By the *Committee.*] Does the traffic go east or west generally?—A very large proportion of the traffic goes west; I sent merely casually, yesterday afternoon, an officer, and during the time he was there (a short time) 171 carriages, and so on, went west, coming out of Park-lane, and only three eastward; that is, vehicles of all sorts.

10. Was that coming and going?—Yes.

11. During what time?—It was merely a short time. Out of the 171 carriages and waggons, &c., that passed up and down Park-lane, three only went eastward, and not one came from the east.

12. I think you officially reported upon the subject in 1862, and that you brought it under the consideration of the Exhibition Commissioners?—Yes; who forwarded it to the Treasury.

13. Do you find that the evil has increased since then?—Very largely; all in Belgravia, as it is called, and South Kensington, and in that direction, buildings have increased very considerably; and likewise the Railway Station is a peculiar feature.

14. Sir Benjamin Hall says that there is nothing between Church-lane, Kensington, and Park-lane; that is not true, is it, because the Queen allows access through the Park?—That is only till ten at night.

15. Then, at night, from Church-lane to Kensington, to North London, there is nothing but this miserable gullet of Park-lane?—A mile and a half; I believe that is strictly true.

16. You suggested the opening of Hamilton-place?—Yes.

17. Do you think that that would be desirable for the diversion of the traffic?—I am satisfied that it would be so; I think I should go further; it is out of my province, but regardless of estimate I think it would be the best arrangement. I should rather have two openings than one of the same width as the two, looking at it as a question of traffic.

18. Can you give your reasons for that?—It is effecting what I may call naturally what I am obliged to do in all crowded thoroughfares, by placing policemen who divide the traffic. The garden there between Park-lane and the extension of Hamilton-place makes that sort of natural division. When you come to four or five lines of traffic in one street, it is very difficult to prevent them running into each other, whereas here you might have the four or five lines of traffic divided into two lines, for Hamilton-place and Park-lane necessarily divide themselves.

19. That is, when you have four or five lines of traffic in one road, the difficulty is very much aggravated if there are stoppages?—Very much.

20. In Park lane there will be still a public house, but in Hamilton-place there is nothing of the kind, is there?—That will be a relief. There is another point also in relation to Hamilton-place;

place; Hamilton-place enters Piccadilly at a much wider point of Piccadilly than Park-lane, so that as carriages come in or out there is a wider space in Piccadilly for traffic passing in the other directions to keep clear of them.

21. Then Piccadilly, between Sir Edward Kerrison's house and Gloucester House, narrows?—Yes, considerably.

22. There is a cab-stand there?—That is higher up; but Piccadilly, opposite Hamilton-place, is considerably wider than opposite Park-lane.

23. By the *Committee.*] Do you recollect the breadth of Piccadilly?—I have not got it measured.

24. Mr. *Phinn.*] Opposite Sir Edward Kerrison's corner, it is how wide?—I do not speak of anything immediately opposite Park-lane, but between the two. It is likewise narrower opposite Park-lane, but between Park-lane and Hamilton-place it becomes considerably narrower, and therefore increases the difficulty in the traffic for those who have to go to and come from Park-lane.

25. My learned friend offers you something very handsome, if he can find the money, for taking Gloucester House and all that range of buildings up to the point in Park-lane where Sir Edward Bulwer's house was?—Yes; you take down a very handsome house, Gloucester House, and you would leave the side unfinished; but that is not my business; but I think, supposing you make Park-lane equivalent to what Park-lane in its present state and Hamilton-place would be, the widening of a single street would not be so good for the purpose of traffic; a single street would not.

26. They say Park-lane would give you 52 feet?—I had measurements made yesterday, but I am not sure they include the footpaths; but the estimate made yesterday of Park-lane, as widened, is 80 feet; Park-lane, at present, is 18 feet and 28 feet; 54 feet and 28 feet, that makes 82 feet.

27. We should give 46 feet roadway between the two?—Yes, at the narrowest part. The width of a carriage is about six feet; the width of a four-wheeled cab is 4 feet 6 inches; a Hansom cab, 6 feet 6 inches; an omnibus, 7 feet 6 inches; a full-sized carriage, 5 feet 9 inches; an ordinary waggon, 6 feet 6 inches.

28. By the *Committee.*] The omnibus is the widest, 7 feet 6 inches?—Yes, 7 feet 6 inches.

29. Mr. *Phinn.*] Is that the widest vehicle that you have in the streets?—Yes.

30. Are omnibuses wider than timber trucks?—Yes; timber trucks are long but not so wide.

31. You have recourse to that system of dividing the traffic by policemen now in crowded streets?—It is in truth quite necessary at Hyde Park Corner and Albert-gate on occasions of public parties and great assemblies. I am sure that every policeman would agree that two streets are better than one large one of the same width as the two.

32. When the two streams of traffic converge, the stream going up Park-lane and the stream going up Hamilton-place converging in Park-lane, will there be any difficulty in administering that?—No greater difficulty than there would be if Park-lane were widened.

33. *Per se?*—Yes; the two streams of traffic of the same nature as the one stream would not increase the difficulty; it would make it rather easier.

34. There is very little traffic which comes from the east up Park-lane?—Very little.

35. The great stream of traffic would really meet the descending stream, and not the stream concurrently ascending?—There is a good deal of traffic ascending from Belgravia.

36. That would go up Hamilton-place, would it not?—Probably.

37. It would not meet much traffic from the east?—Comparatively, not much.

38. Then take again the descending traffic; the descending traffic is very little to the east, it is principally to the west, is it not?—Yes.

39. By the *Committee.*] How would you divide the traffic going up?—It is a matter of police direction; but the general principle would be that those vehicles coming up Piccadilly from the east should go along Park-lane.

40. But they are very few, three out of 171?—They are comparatively few, certainly; but a very little practical experience enables the policeman to decide how to deal with the traffic.

Cross-examined by Mr. *Denison.*

41. How many policemen will it take to do this business; I mean to divide the traffic and keep things in order?—Not so many as we now take; I should say a single policeman at the top, and a single policeman at the end of Hamilton-place.

42. What is a policeman worth a year?—About 60 *l.* you may call it; we have four now.

43. Now about the division of traffic; you are to divide between the east and west traffic?—As a general rule the police would not interfere at all; it is only to prevent a block.

44. Except under peculiar circumstances, the traffic would be left to take its natural direction, which I suppose would be the nearest direction?—Yes.

45. Then we may throw out the consideration of those three things to the east; Hamilton-place would be the nearest road, practically, for all the traffic, would it not?—No.

46. How can it be otherwise, if we have only three out of 171 going east?—But a great many would come down still, and go east. I am only taking three as representing a very short time yesterday; no doubt a very large proportion go to the west.

47. But you increase the 171 as much as you would increase the three, in that case?—Yes.

48. Then call it 171,000 against 30,000, if it pleases you?—It is no pleasure to me, I assure you.

49. Then Hamilton-place will be the shorter route for by far the larger quantity of traffic?—Yes; and then the police would interfere when necessary.

50. The ordinary state of things would be that everything would go along Hamilton-place?—A very great portion of it.

51. Up this new street, which is to be 28 feet 4 inches wide in the carriage-way?—Yes; that gives room for five carriages; for four, at all events.

52. You would hardly like to say that there would be room for five, would you?—I say four, that is the narrowest point; suppose a carriage standing at a door on each side, in the narrowest part, there would still be room for a line of carriages to pass each way.

Sir *R. Mayne.*

31 March 1865.

53. But only one line?—Only one line during such a contingency.

54. Which contingency would be tolerably frequent?—I do not know.

55. On the question of one road or two, you say that you prefer two roads to one of equal width?—Yes.

56. But supposing the widths are not equal; the width of one, 80 feet, against two, of 28 feet and 18 feet, making 46 feet, what do you say to that; what do you say to one road of 80 feet against two roads making together 46 feet?—One road of 80 feet would be better in such a case as that.

57. May we not say that obstructions from beer-shops and carriages of any kind are much less in a wide street than in a narrow one; I mean less in proportion, not absolutely, for that would be a truism?—I do not know that.

58. An obstruction in a very narrow street may stop the street altogether, and does stop Park-lane altogether?—Yes.

59. But what amount of obstruction can stop a wide street altogether from a beer-shop, or anything of that kind?—In that case no doubt you are right.

60. In a narrow street a single obstruction may totally stop the traffic, but in a wide street that cannot possibly be?—No doubt.

61. You say that his Royal Highness the Duke of Cambridge's carriages entering Gloucester House, take up the whole street?—Any carriages going in or out.

62. If Cambridge House and those other houses were removed, would there be anything that would come into Park-lane on the west side; have the existing Hamilton-place houses any back doors or accesses into Park-lane?—I believe none at present; none apparently.

63. Supposing that Gloucester House and the other houses were out of the way, there would be nothing having any right of going into Park-lane from the west side, would there?—I was looking at it this morning. I do not exactly know, but I suppose there would be an access from the mews.

64. Have those mews any access to Park-lane now?—I believe not.

65. Then they are not entitled to any; I see the map answers my question. Well, then, the whole of the west side of Park-lane would be free from obstruction in that case?—Yes.

66. There would be nothing to obstruct it, except the beer-shop on the one side of the street 80 feet wide, and other houses?—On the west side none.

67. And on the east side there would be nothing except such houses as there are there now, would there?—Nothing.

68. Where are the Duke of Cambridge's stables?—In the interior.

69. I suppose we shall find that the Duke of Cambridge's stables are on the east side of the road?—I know that the servants' rooms were on the same side as the house.

70. Among other obstructions now, there is the obstruction of the carriages and horses going from the Duke of Cambridge's stables on the east side, to his house on the west side of Park-lane, I suppose?—Yes, that might be; and also on the east side there is a livery stable where carriages go in and out, which causes a good deal of obstruction.

71. An obstruction like the beer-shop?—More or less it would be so.

72. I must put it to you again, that the obstruction would be much less felt in a wide street than in a narrow one?—Yes.

73. Did you succeed in getting the width of Piccadilly at the places in question; I see 53 marked at the end of Park-lane?—I did not take it; I was not aware that I was to be examined till yesterday; but you will see that it is still narrower between Park-lane and Hamilton-place.

74. The carriages and traffic generally lean to the north side of Piccadilly, if they are going up Park-lane or Hamilton-place?—Certainly, except that other carriages stop at the houses.

75. But one finds very little in the way of carriages and traffic following the south side closely, they lean rather to the other side?—Yes, that is so, going up Park-lane especially.

Re-examined by Mr. *Phinn.*

76. My learned friend put to you some questions about this narrow gorge of 28 feet, and the possibility of carriages being opposite one another at the houses; but when you come to that point (*referring to the Map*) it is all dead wall up to that next house, is it not?—Yes, mews.

77. You would have no carriage stopping there?—No.

78. Then there is only one house opposite the others as you go further on?—Just so.

79. It would be rather a curious contingency both having visitors at the same time, would it not?—That would not be very likely.

Mr. Thomas Allan Britton, sworn; Examined by Mr. *Phinn.*

Mr. *T. A. Britton.*

80. I think you are a Surveyor in connection with the Architect's Department of the Metropolitan Board of Works?—Yes.

81. Did you, by direction, attend at the corner of Park-lane yesterday?—Yes.

82. What time were you there?—From 12 to 5.

83. For what purpose were you there?—I attended there for the purpose of taking the traffic up and down Park-lane.

84. Will you tell us how many vehicles there were between 12 and 5 going to the eastward?—Coming down Park-lane and leaning towards the east, that is to say Charing Cross, there were 62 vehicles altogether.

85. How were they divided?—Seventeen cabs, 25 carts, 17 private carriages, 1 waggon, and 2 breaks.

86. Now, going up Park-lane, coming from the east, how many were there?—Going up Park-lane, coming from the east, there were 28 vehicles altogether, between 12 and 5.

87. How were they divided?—Eight cabs, 17 carts, and three private carriages.

88. Now, coming down Park-lane and going westward, how many were there?—Coming down Park-lane and going westward, there were altogether 1,098 vehicles.

89. How divided?—Four hundred and sixty cabs, 440 carts, 21 private carriages, 35 omnibuses, 148 waggons, 12 drags or breaks, and three funeral carriages.

90. Going up and coming from the westward, how many were there?—Going up and coming from the westward, there were altogether 1,036 vehicles.

91. How

Mr. *T. A. Britton.*

31 March 1865.

91. How divided?—Four hundred and fifty-one cabs, 422 carts, 26 private carriages, 38 omnibuses, 116 waggons, 6 breaks, and 7 funeral carriages.

92. Did you see many stoppages there?—Yes.

93. Were there any cattle coming either way?—Yes.

94. In droves?—In fours and fives.

95. Were they coming east or west?—They came down Park-lane, going towards the west.

Cross-examined by Mr. *Denison.*

96. At night, when the park gates are shut, the traffic still more preponderates westward, does it not?—I believe so.

Mr. *Denison* stated that he would admit the crowding.

His Royal Highness The Duke of Cambridge, K.G., G.C.B., Attending by Permission of the House of Lords, sworn; Examined by Mr. *Phinn.*

H.R.H. The Duke of *Cambridge,* K.G., K.C.B.

97. Your Royal Highness occupies Gloucester House, which is at the corner of Park-lane?—I do.

98. Is your Royal Highness aware that there is a proposal before Parliament for carrying a road through Hamilton-place, with a view to relieve the traffic of Park-lane?—I am.

99. And that there is a counter proposal to widen Park-lane itself by demolishing your Royal Highness's house, and those adjacent to you on the west side?—Just so.

100. I need hardly ask your Royal Highness which you prefer?—I certainly should prefer the Hamilton-place road, instead of the widening of Park-lane.

101. May I ask your Royal Highness what term you have in the house?—I hold the house under a lease from the trustees of Sir Richard Sutton; but they hold at the same time more property under the Dean and Chapter of Westminster. I renewed the lease in 1858 for 39 years, and I therefore have a lease now with 32 years more to run.

102. May I venture to ask what ground-rent your Royal Highness pays for the house?—£. 150 a year.

103. It is calculated by the valuers on the other side that if your Royal Highness was to be called upon to abandon the house, 30,000 *l.* would adequately compensate you for your tenure; do you see it at all in that light?—Certainly not. There is more in the case than the value of that house in itself; it stands over a quarter of an acre of land; the intrinsic value is much higher; but personally it is even beyond that, because the comforts of that house to a person in my position are so great that I should have the greatest difficulty in finding any house of equal convenience in any part of London.

104. Taking it at a rack-rent, what should you think is the value of the rack rental?—It is very difficult for me to give an opinion as to what I should value the house at; but if you ask my opinion personally, I should certainly say that I ought to have at least 50,000 *l.* for that house.

105. Your Royal Highness, no doubt, has a very bitter experience of the impediments of Park-lane?—I have; I admit that fully.

106. A question was raised with regard to your Royal Highness's stables; they are not connected with your house, but they are opposite, are they not?—My stables are in an entirely different part of the town; they are at the bottom of a street just opposite my house; they have no connection with it. I believe that, originally, part of my house was stabling, but the house was not large enough in the Duke of Gloucester's time, and therefore the stabling was actually added to the house. I hold my present stable under a different tenure from what I hold the house under.

Cross-examined by Mr. *Denison.*

107. My learned friend has left me very little to ask your Royal Highness; you have told us your ground-rent. May I ask what your Royal Highness paid as fine for the renewal of the lease in 1858?—I paid 4,595 *l.*

108. Does that and the ground rent cover all that your Royal Highness has paid for the house?—I have spent a considerable sum of money on the house since I went into it; it has been done up thoroughly from top to bottom. I have put a considerable amount of money into the house, besides paying the fine.

109. But I mean money paid out to anybody?—That is the whole, with the reservation I have mentioned.

110. Has your Royal Highness done anything in rebuilding, or was it all in refitting?—All in refitting; in thoroughly doing up the house from the very top to the very bottom.

111. Your Royal Highness desires that the traffic should be sent down Hamilton-place, instead of Park-lane?—Very decidedly.

112. Possibly your Royal Highness can understand the people in Hamilton-place having a counter desire?—I am perfectly aware of that.

Re-examined by Mr. *Phinn.*

113. Had the lease expired at the time when your Royal Highness renewed it, or how many years' renewal have you obtained?—It had not expired. I renewed the lease before its expiration.

114. How much had it to run, or, in other words, how many additional years did you obtain for the 4,500 *l.*?—I do not recollect exactly, but I should be very glad to put that into my answer afterwards, if the Committee wish it.

115. I need hardly ask your Royal Highness if the value of that property has risen very much even since the year 1858?—Very considerably.

116. Property is rising in value?—Particularly in that part of London.

117. In other words, your Royal Highness cannot find a house so well adapted to your wants for anything like the money?—I am sure I could not. I may say, that before I went into that house, I had some doubt whether I would occupy that house or not, as I was not sure it would quite suit me; but when I tried to find any other house equally convenient, and had looked in all directions, and could find nothing, I went into that house with great pleasure, and should certainly be very sorry to be turned out of it. I may perhaps incidentally be allowed to remark, that I hope the Committee will understand that I do not wish to oppose a public benefit, but that it is my impression that the public benefit could be secured without turning me out of my house.

Mr. GEORGE VULLIAMY, sworn; Examined by Mr. *Phinn*.

Mr. *G. Vulliamy.*

31 March 1865.

118. YOU are Superintendent of the Architect Department of the Metropolitan Board of Works, are you not?—I am.

119. Did you, in the course of last autumn, receive instructions from the Board of Works to propose a plan for the relief of the traffic in Park-lane?—I did so.

120. In consequence of those instructions, did you propose the present scheme?—I did.

121. Will you tell us exactly where the proposed diversion of Park-lane begins, taking it northward?—In the Bill it is stated at 130 yards south of Stanhope-gate.

122. Does that coincide with the deposited plan?—It does.

123. Cutting through a piece of land of my Lord Chief Justice's, opposite his new house in Park-lane?—Yes (*pointing out the same on the map*).

124. What is the width of Park-lane at the point where you commenced at 130 yards south of Stanhope-gate?—Park-lane there is 36 feet 10 inches in the carriage way.

125. Is that between kerb and kerb?—There are 6 feet 5 inches footway on one side and 7 feet 7 inches of footway on the other side.

126. By the *Committee.*] Do you mean to say that up there it is only 36 feet 10 inches; that must be a mistake?—It is 38 feet in the carriage way.

127. Mr. *Phinn.*] When you first cut in what width do you give?—We ought to have two plans to show it.

128. Will you tell me the existing width of Park-lane at the point where you come in?—Seven feet 1 inch; 38 feet and 6 feet.

129. Thirty-eight feet of roadway?—Yes.

130. Then when you commence how wide is the road at the first point where it touches Park-lane, where you begin to take my Lord Chief Justice's land?—At the present moment the roadway is 24 feet 3 inches.

131. What do you propose to add to that; will you explain it to the Committee on the plans?—It begins nearly 50 feet wide; we take that piece of land belonging to the Dean and Chapter of Westminster, and throw it on to the road (*explaining the same on the plan*).

132. I simply want the dimension of the road where you first begin to widen it; the dimensions of the widened road?—Seventy feet.

133. As against what width existing now?—Seventy feet as against 24 feet 3 inches.

134. How much roadway do you give?—Fifty-eight feet.

135. You give 58 feet at your commencement; do you preserve that width going southward towards Hamilton-place?—Yes; you see that there is a large space at the end where the fork commences.

136. Do you preserve the 58 feet roadway, or when does it begin to narrow?—We preserve the 58 feet roadway, and when it gets into Hamilton-place it becomes of the width of Hamilton-place; the new part of Hamilton-place, the upper part of Hamilton-place.

137. You preserve the 58 feet down through the garden until you come to the neckway?—The roadway at this spot is 33 feet (*pointing to the map*).

138. Is that on the new land which you take?—Yes.

139. Why do you not make it wider there, the same width as Hamilton-place; you give 33 feet, and then when you come to there it narrows?—Yes.

140. What is the width of the road where it narrows?—Twenty-eight feet 4 inches.

141. How long does that 28 feet 4 inches continue?—Eighty or 90 feet.

142. About 30 yards?—Yes.

143. Then you come again upon the 33 feet?—Yes, 33 feet.

144. In the roadway you come down to 33 feet, and then you come to 90 feet of 28 feet, and then again on to 33 feet?—Yes.

145. What is the reason for that narrowness; could you not give a greater width where the 28 feet is?—Not without destroying those two houses (*pointing to the plan*).

146. You do not destroy those houses?—No.

147. But now let us come to the garden; how much of Mr. Butler-Johnstone's house do you take?—Something less than two-thirds.

148. How much of the Marquess of Conyngham's garden?—Twenty feet square, as well as I can measure.

149. In taking from his garden that portion of 20 feet square, you leave a great bit, do you not, of Mr. Butler-Johnstone's garden on the Marquess of Conygham's side, do you not?—Yes.

150. How much?—1,000 square feet.

151. Then you propose to do away with that roadway?—Yes.

152. What is the width?—The ordinary width is 4 feet.

153. Railings on each side?—Railings on each side.

154. Which you throw out?—Yes.

155. Throwing them into the Marquess of Conygham's garden?—Yes.

156. Then how would you give entrance into those gardens above?—I would make one here (*pointing to the map*).

157. By the *Committee.*] What width is the road there?—The carriage way is 36 feet at that point.

158. Mr. *Phinn.*] What is the width of the footway on that side where the entrance is; is there any pavement outside the rails there—I mean at the point of the new roadway, supposing they mean us to go into that garden by the new roadway?—Yes, about 6 feet.

159. You can give 6 feet consistently with 33 feet of roadway?—Yes.

160. You would pave the place at the side?—Yes.

161. You would flag it?—Yes.

162. Supposing a gentleman or a lady wanted to go into those gardens or come out of it, they come out by the gate, and on to the pavement at once?—Yes.

163. And that is consistent with the 33 feet roadway?—Yes, I think so.

164. My learned friends will not be content with your thinking; can you tell us whether it is so or not?—It is.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 3° *die Aprilis* 1865.

THE RIGHT HONOURABLE WILLIAM MONSELL, IN THE CHAIR.

Mr. GEORGE VULLIAMY, recalled; further Examined by Mr. *Wilkinson.*

Mr *G. Vulliamy.*

3 April 1865.

165. I PROPOSE to continue your evidence from the point where we left off, and that was the point indicated by the brown colour, near the termination of what will be the new road, opening up from Hamilton-place. That you gave the width of as 33 feet. Will you continue your course through Hamilton-place as it exists; what is the next width of the carriage way?—The next width of the carriage way close up to where the *cul-de-sac* occurs is 28 ft. 7 in.

166. And for what length does that width continue?—For the length of those two houses, which is 80 feet.

167. Is that the narrowest portion of your line of roadway?—The narrowest portion of our line of roadway occurs just southward of that. At this point it is 28 ft. 4 in., a difference of 3 inches in that length.

168. And that 28 ft. 4 in. is the narrowest part of your road?—Yes, it is.

169. That narrowness is occasioned by the railing in front of Mr. Johnstone's and Mr. Blyth's houses?—The pavement in front.

170. Just give us your next width?—At this point, nearly at the corner of the mews, the roadway becomes 32 ft. 1 in.

171. By the *Committee.*] How many feet does the narrow part extend along; for what length does the width of 28 ft. 4 in. extend?—Only at one point.

172. But for what distance in length?—It is 28 ft. 4 in. at this point, then it becomes wider by 3 inches in the length of 80 feet.

173. For 30 yards it is under 30 feet?—Yes; here the road is 32 ft. 11 in.

174. Mr. *Wilkinson.*] Where does that width occur?—At the mouth of the mews, where it comes into Hamilton-place.

175. And for what length does that width remain unaltered?—It remains unaltered down to this point about 100 feet, then it becomes 32 ft. 10 in.

176. A reduction only of 1 inch?—Yes, only 1 inch.

177. How long does the diminished width of 32 ft. 10 in. last?—From that point to the point at Sir Edward Kerrison's house; then the road becomes 43 feet.

178. How long does that narrow width of 32 ft. 10 in. last?—Only to this point; then it widens southward.

179. And gradually until you get to the width of 43 feet?—Yes.

180. At what point is that?—That is in a line with the front of Sir Edward Kerrison's house.

181. The Piccadilly front of Sir Edward Kerrison's house?—Yes.

182. Then I see your width increases to 53 feet?—No, that is taking in the pavement.

183. The roadway at the junction with Piccadilly is 43 feet?—Yes.

184. By the *Committee.*] What is the width of Piccadilly at the end of Park-lane?—The carriage way at the end of Park-lane, opposite Gloucester House, is 53 feet.

185. And opposite Hamilton-place?—Opposite Hamilton-place it is 53 feet also.

186. Then extending westward the width increases a little?—The width opposite these houses increases a little.

187. That is Mr. Beaumont's house?—That is 65 feet.

188. By Mr. *Wilkinson.*] And it increases as it goes on to Hyde Park Corner?—Yes.

189. There is nothing more upon the cartoon that you wish to direct the attention of the Committee to, is there?—No.

190. You have coloured the new road since Friday last?—Yes; I have coloured it since Friday last; to make it more intelligible, I have coloured the new road a darker colour, and I have put the dimensions on a larger scale, so that you might see them more plainly; it has all been checked since Friday.

191. That cartoon now is strictly in accordance with the deposited plan?—It is so.

192. For that plan you have prepared an estimate, and that estimate, as probably the Committee have heard, amounts to 10,000*l.*?—It amounts, as you say, to 10,000*l.*

193. That estimate was inquired into before the other tribunal?—Yes.

194. I believe your original instructions by the Board of Works were not limited to Hamilton-place, but you were instructed to advise on the best mode of effecting the relief of Park-lane?—I was.

195. Consequently, you did not only inquire into the Hamilton-place proposed thoroughfare, but also into the project for widening Park-lane?—I did so.

196. Did you draw up an estimate of the expense for widening Park-lane?—I did so.

197. What was the amount of that estimate?—The amount of that estimate for widening Park-lane, by pulling down the west side of it, is 104,163*l.*

198. Will you explain to the Committee shortly what you propose to do for that estimated expense?—I propose to sweep away Gloucester House, Hales', the coachbuilder's.

199. First, with regard to Gloucester House, do you contemplate the entire destruction of it?—The entire removal.

200. And consequently, the carrying of the line of the Park-lane thoroughfare to the red line showing the backs of the houses?—From Lord Cadogan's house, and upwards.

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201. Besides Gloucester House, what other property do you take?—The next premises are Hales', the coachbuilder's.

202. Will you indicate those on the cartoon?—Gloucester House extends from that point to that point.

203. And that you propose to sweep away?—Yes.

204. Now the next, Hales', the coachbuilder's?—That is this property; the next is Dr. Wegg's; then Brown's, the cornchandler's, and Sir Lytton Bulwer's, or Drummond's; Mr. Drummond is the present tenant; then the garden of Sir Lytton Bulwer's house, the garden of the Marchioness of Londonderry's house from here to there; and this piece of garden, which belongs to the Dean and Chapter of Westminster, but is now leased to Lord Chief Justice Cockburn.

205. That being the piece of ground which you propose to take?—Yes.

206. And the estimate of that improvement, as you have detailed it, is 104,163 *l.*?—Yes.

Cross-examined by Mr. *Round.*

207. The scheme has undergone a great change since it was originally launched?—This is the original scheme of the Board of Works.

208. Before the Referees' Committee, as the Bill was drawn, you scheduled the whole of Nos. 6 and 7 houses?—Yes.

209. You were called on to say whether you meant to take them or not, were you not?—I was told by the Board ———

210. Just answer. You were called on in the Referees' Committee to undertake to say, on the part of the Metropolitan Board, whether you would or would not touch the structures of Nos. 6 and 7?—Yes.

211. And before the Referees' Committee you undertook not to touch them?—We did so.

212. And that is the proposal which is now before the Committee?—Yes.

213. So that when you went in before the referees you would have been able to give 33 feet opposite Nos. 6 and 7, would you not?—That is, if we had taken the houses.

214. And now, by not touching the houses, you only get your width of 28 ft. 4 in.?—And 28 ft. 7 in.

215. So then, in avoiding Scylla, as it were, to save the expense which you would have been put to in compensating for Nos. 6 and 7, you fall into Charybdis in making it so much narrower?—We do.

216. Under the Bill you took power to raise the levels 5 feet, did you not?—Yes, we did.

217. Under the general Act you would only have been able to raise them 2 feet under the Lands Clauses Act?—Yes.

218. Mr. *Wilkinson.*] No, 3 feet?—No, 2 feet in a town.

219. Mr. *Round.*] Therefore, you take an exceptional power beyond what the law gives you?—We do.

220. And that would materially have affected all the houses on this side, Nos. 1, 2, 3, and 4?—It might have done so.

221. You might have got into their cellars if you had depressed it, or interfered with the houses if you had raised it?—Yes.

222. You made another concession before the referees, and undertook not to alter your levels at all?—We did so.

223. You undertook to debar yourselves from the power which the general law gave you?—In our deposited plan it is stated that the levels are unaltered.

224. You would not have taken that power if you had not thought it necessary or wise to avail yourselves of it?—No.

225. And then you altered the scheme in those two essential respects?—We did so.

226. It was the result of pressure on both occasions?—I do not know anything about pressure; we altered it.

227. Which is the best scheme; the one before this Committee, or the one that you proposed before the referees?—The scheme that we have now before us.

228. You have told us that you have altered your scheme in these two respects, that you have given up the power you possessed. I ask you which is the best scheme, having no power to alter the levels, or having no power to touch these two houses, the result of which is, that the roadway is only 28 ft. 4 in.?—This, in comparison with the expenditure, is a far cheaper and a better scheme than pulling down the two houses.

229. No doubt that is the cheaper, but which is the best scheme?—If you pull down the two houses you would get more carriage way, certainly.

230. If you pulled down the two houses, what would the expense be?—It would cost, I should say, 40,000 *l.*

231. You would be out of pocket 40,000 *l.*?—Yes, we should.

232. Your proposal is to compensate Mr. Butler-Johnstone for his garden?—Yes, we do.

233. And with respect to the Marquess of Conyngham, your proposal is to take a little bit away from him and give him a good deal more, and you think that would compensate him?—I do.

234. You know that you have no power to compensate him in that way, by a set-off?—I am not a lawyer.

235. Supposing that should be the law, then you will not be able to carry that out?—I suppose we should not be.

236. Take it from me as the law that you cannot compensate a man by offering him an equivalent thing that he does not choose to accept; what do you allow for Lord Conyngham's bit of garden?—I have not looked at it in that way.

237. You have not looked at Lord Conyngham's with a view to compensate him at all?—No; but I will give him 1,000 feet for 20.

238. You have arrived at 40,000 *l.* for Nos. 6 and 7?—Yes.

239. There cannot be any great difference in principle between the two; you, perhaps, can give us something like an idea?—No, I cannot.

240. You can calculate the value of his garden upon the cost you put on Nos. 6 and 7?—In the 40,000 *l.* we have to destroy all the houses and set them back.

241. Suppose Lord Conyngham says, "Take my house?"—The house would fetch as much, if Lord Conyngham left it, as we should have to give for it.

242. You have not considered the question at all?—I have considered them; in giving him 1,000 square feet for 20, I consider that we do enough.

243. Supposing that not to be tenable, have you looked at it in the other way?—No, I have not.

244. If you do not alter the gradients, what will

will the steepness of the ascent in Hamilton-place be?—From Park-lane?

245. I am speaking of Hamilton-place?—From Hamilton-place, from the *cul de sac* to Piccadilly, is a fall of 8·72.

246. That is one in what?—From Piccadilly to the *cul de sac*, in a distance of 185 feet, there is a fall of 8·72.

247. You told me that just now. My question is this, between Piccadilly and the *cul de sac*, what is the gradient in that portion from one point to the other; what is the rise; one in what?—I will give it you directly.

The *Chairman* stated, while these calculations were being made, Mr. Round had better proceed with some other part of his examination.

The *Witness.*] It will require a deal of calculation; it is engineer's work.

248. Mr. *Round.*] It is rather an important point. Whether you go up or down hill, what will be the width of the pavement that you allow throughout?—The pavement in Hamilton-place, do you mean?

249. Yes?—It will be 6 feet on either side, or 6 ft. 6 in. on either side.

250. Six feet 6 in. or 6 feet?—We will say 6 feet.

251. And will there be the same width the whole way along?—Opposite the *cul de sac* it will be 3 ft. 6 in.

252. The pavement, for the space of 30 yards, will only be 3 ft. 6 in.; is that so?—Yes.

253. I understand it is this, from Piccadilly up to the beginning of No. 7, it will be 6 feet?—Yes, on either side.

254. And from No. 7, in the front of Nos. 7 and 6, which is 30 yards, the pavement will be 3 ft. 6 in.?—On that side of the way, it will.

255. On the right hand side of the way?—Yes, as it is at present.

256. By the *Committee.*] For how many feet will it be?—For 30 yards.

257. Mr. *Round.*] That is so, is it not?—Yes, it is.

258. What will be the width of the pavement on the other side, where you have dealt with Lord Conyngham?—The pavement there will be 6 feet.

259. That will be the same uniform width up from either end?—Yes.

260. Do you propose to carry it up to the end where you come into Park-lane?—We do.

261. On either side?—We do.

262. There will be a great deal of traffic along this street, will there not be?—Yes.

263. It is in anticipation of a large traffic that you are making these alterations?—Yes, to relieve the traffic of Park-lane.

264. And it is in expectation that that traffic will increase largely?—As London increases northward, the traffic will increase therefrom.

265. Is it not rather more than that, looking at all the building taking place in Pimlico and Belgravia; is not the stream of traffic all from the west?—It is so.

266. Or a very large proportion?—Yes.

267. We may take it, it is an increasing quantity?—Yes.

268. What street would you compare the probable amount of traffic with in London; can you give me a comparison?—I have not computed that.

269. Do you think there will be as much traffic as in Fleet-street, where it joins Farringdon-street?—Certainly not.

270. At no time of the day?—At no time of the day.

271. Nor along the Strand; do you not think there will be as much traffic at some time of the day as there is along the Strand?—It might be the same, but I cannot say.

272. There will be all the carriage traffic in the afternoon, and the omnibuses, which is a certain traffic?—It is so.

273. The heavy traffic is a pretty certain traffic?—Yes, it is.

274. And between two and six there is the additional carriage traffic?—There is.

275. Now taking all these elements into consideration, do you not think you might compare it with the amount of traffic passing at certain times of the day through one or two of these streets which I have named?—I know nothing of the traffic in Fleet-street or the Strand from actual computation.

276. Do you know the widths of some of the streets?—In the Strand.

277. Or in Fleet-street?—No, I do not.

278. Do you know from the evidence taken before the Select Committee on the Thames Embankment, that the width of Fleet-street is 27 feet between the kerbs?—I was not aware of that.

279. We know what the amount of traffic there is; the witness is asked:—"Be good enough to give me the width of Fleet-street at Farringdon-street? Fleet-street at the corner of Farringdon-street will be 27 feet wide between the kerbs; I have taken it at several points in the street; opposite Lynn's, the oyster shop, it is 35 ft. 9 in.; at the corner of Fetter-lane it is 40 ft. 10 in.; opposite Lund's, the cutlers, it is 30 ft. 8 in.; and between the piers of Temple Bar it is 28 ft. 7 in."?—I was not aware of that.

The *Chairman* suggested as the witness was not acquainted with those facts it would be better to ask some one else.

Mr. *Round* replied it was the ordinary way in which it was done where the evidence is not referred to the Committee.

The *Chairman* stated the Committee thought the simpler plan would be for Mr. Round to read it.

280. By Mr. *Round.*] I will read this to you: The witness is asked—"Be good enough to give me the width of Fleet-street at Farringdon-street? Fleet-street, at the corner of Farringdon-street, will be 27 feet wide between the kerbs. I have taken it at several points during the street; opposite Lynn's, the oyster shop, it is 35 ft. 9 in.; at the corner of Fetter-lane it is 40 ft. 10 in.; opposite Lund's, the cutlers, it is 30 ft. 8 in.; and between the piers of Temple Bar it is 28 ft. 7 in." That is as near as possible the measurement you are going to give us here?—Yes, 28 ft. 7 in., and 28 ft. 4 in.

281. "There are two spurs which reduce that width, making it 19 feet clear. That will be less two feet for stones?—Yes.—Now, Ludgate-hill? The entrance at Farringdon-street will be 26 feet 6 inches; opposite St. Martin's, Ludgate, it is 24 feet 4 inches, and near St. Paul's is 26 feet 3 inches.—Now, be good enough to give us the width of Cannon-street? The entrance by

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St. Paul's is 30 feet 6 inches between the kerbs; Cheapside, at entrance, 39 feet 2 inches, opposite Bow Church, 31 feet; the Poultry, 24 feet 3 inches, at its entrance from Cheapside, and near the Mansion House only 22 feet wide." The Committee will be able to compare the width of these streets with this. What is the width of a street which the Metropolitan Board of Works try to get when laying out a new street?—Forty feet and 70 feet for all new roads.

282. What is the rule which regulates the 40 feet in the one case and the 70 feet in the other?—There is no positive rule; it is merely the opinion of the Board whether they will have a 40 feet street or a 70 feet. In all large thoroughfares, such as the new street to the Mansion House, we have 70 feet; and Southwark-street we have 70 feet.

283. And you would have been glad to have had 70 feet here if you could?—I do not think it is necessary, if you have the two ways.

284. That is not an answer to my question; do you say that 70 feet is not required here, with reference to the difficulty of acquiring the property or with reference to the amount of traffic which it will accommodate?—With reference to the amount of traffic which it will accommodate.

285. Now, a word or two with regard to Park-lane; will you compare the traffic with Southwark-street; will you undertake to say there will not be more than in Southwark-street?—I have no statistics of Southwark-street.

286. How long have you been connected with the Board?—Four years; I finished Southwark-street.

287. Then you can give us a general notion of the amount of traffic passing down there?—No, I cannot give you any notion of it myself, because I come by the Charing Cross Railway to the West-end, and I never come through that street by any chance, and the Board have never required any report to be made, so that we have no statistics to go upon.

288. Where do you propose to begin; what is the point, starting from Stanhope Gate; show me now where you would begin for your 104,000*l.* in Park-lane?—At that point (*describing*).

289. You take a common point for both?—Yes.

290. Both plans will start from the same point?—They will.

291. And you clear away all the property on the left-hand side of the street, which you gave us the particulars of just now?—Yes.

292. What is the maximum width at any one point there?—At that point, we get 52 feet 6 inches. I am speaking now only of carriage-way at that point.

293. Before you leave 52 ft. 6 in., would you get the same 52 ft. 6 in., whether you take the Hamilton-place scheme, or the Park-lane improvement scheme?—We get rather more by the Hamilton-place scheme.

294. Then you get 108 feet?—Then we get 108 feet in the carriageway here; shall I proceed on?

295. Yes, if you please?—Here we get 38 ft. 9 in., the exact width of Park-lane.

296. Is it all without the foot-ways, or with them?—Without the foot-ways; I am speaking of the carriage-way entirely. There is 34 ft. 6 in. carriage-way here; that is existing.

297. You are going to take the green in?—Yes.

298. I want to know how much you will get if you carry out your plan you just now gave us; you said your attention had been drawn to Park-lane; I want to know, assuming these properties to be taken, what will be the width that you will get?—To do that, we shall have to re-arrange the footway.

299. Why?—Because you would never leave the footway such as you have it.

300. You would increase the footway?—If we had 80 feet, or 85 feet between the walls, sweeping away Gloucester House, you would then have to form a footway at either side of 12 feet; in Southwark-street, we have 12 feet on either side.

301. Why?—Because it is the proportion we give the roadway and the footway.

302. You have only 3 ft. 6 in. in Hamilton-place at one point?—Because we do not propose to remove any of the existing roadway.

303. By the *Committee.*] What difference does it make to the foot passengers in the street, whether they are walking along an 80 or a 40 foot road?—If you had a space of 80 feet wide to lay out in a road, if you were going to lay it out properly, you would put a footway on each side of 12 feet, and leave the rest for the roadway.

304. By Mr. *Round.*] That is the idea of symmetrical proportion, and not with regard to the amount of traffic; if six feet in Hamilton-place is wide enough to accommodate the foot traffic, why not six feet in Park-lane?—I have given you the two pavements of six feet each.

305. Give us the clear carriageway, supposing you carried out your improvements in Park-lane, and begin from the Piccadilly end and come up?

Mr. *Wilkinson* suggested it would be more convenient if Mr. Round was proposing this as an alternative, that the detail should come from his witnesses.

The *Chairman* stated, the Committee would like to have the two schemes before them in their entirety, and therefore it would be better to get from each witness as he came up whatever information he could give.

306. By Mr. *Round.*] You must have gone into this, because you must know what property you are going to take?—Will you tell me what you want?

307. You told me what property you mean to take there; assuming a six foot pavement on each side, that will be 12 feet; 12 feet out of the whole space that will be thrown open and free; tell me what the width of carriageway will be, beginning at Piccadilly end, at the Park-lane end in Piccadilly?—The carriageway, assuming you take 12 feet out.

308. Yes, that is the assumption I gave you?—In that case where Park-lane opens into Piccadilly the carriageway will be 75 feet.

309. In the clear?—In the clear, giving six feet on either side.

310. By the *Committee.*] For how long would that width continue?—It is all forms and shapes: it is in all sorts of angles, it is difficult to compute it.

311. Take a space 50 feet higher; take opposite the Mews?—I will give it you there; opposite the Mews it becomes about 70 feet.

312. Is that Pitt's Mews, or opposite the Duke's

Duke's stables?—It is, if you carry on the line from the Duke's stables.

313. Is it the first turning to the right?—Yes, that is it.

314. By Mr. *Round.*] Now go up to the next street?—Grantham-place.

315. Yes, take that?—There it becomes upwards of 80 feet, because it sets back again.

316. It is opposite to the second turning to the right?—Yes; shall I take Brick-street next?

317. By the *Committee.*] All the rest of the way it is as broad as you may choose to make it, because you come then upon the dark green?—Opposite Brick-street, allowing six feet on each side for the foot passengers, it becomes as nearly as possible 80 feet again.

318. By Mr. *Round.*] I will take your answer short, if you feel justified in giving it me so; you have given me 70 feet; I should like to know how long that 70 is?—Where do I give you 70?

319. Opposite the Mews; the first turning to the right. I do not see by that map how it can be reduced 10 feet?—By the scale it is 70.

320. If that is 70 feet the other cannot be 80 feet?—It is all an angle; it is most of it in all sorts of angles.

321. By the *Committee.*] Can you find out any point where it is less than 70 feet?—There is no point where it is less than 70.

322. And 70 for a distance from the Mews up to where?—It is at no point less than 70.

323. I ask you for how long is it 70?—

The *Chairman* stated it was enough for the Committee to know it would be 70 feet everywhere.

324. By Mr. *Round.*] That is taking the minimum at 70?—Yes.

The *Chairman* stated the Committee would now like to know something about the cost.

The *Witness.*] I have an estimate of 104,000*l.*

325. By Mr. *Round.*] Does that allow for any contingencies?—Yes, it is my estimate of the cost of the whole.

326. That is to say for 104,000*l.* net, the Board will be able to acquire possession of the property for the purpose of making this street?—£.104,863 includes all contingencies.

327. When you were in correspondence with Mr. Gore, I think you said 150,000*l.*?—I did not say so.

328. Did your Board say so?—I do not know.

329. I will read from a letter in page 17, in which Mr. Gore says:—"Upon these several schemes the Chairman of the Metropolitan Board made observations to the following effect." Then I go to the second, "That the widening of Park-lane at its junction with Piccadilly, as proposed by the second plan, would involve an outlay of at least 100,000*l.*, and possibly 150,000*l.*" That being the opinion, then, are we to take the 104,000*l.* as the actual sum for which it can be done?—That is my opinion as the officer of the Board.

330. You were no party, then, to the 150,000*l.*?—I do not write the chairman's letters.

331. Were you consulted by him?—The chairman might have spoken to me about it.

332. Will you undertake to say you have never advised the chairman as to what the valuation and amount was?—The chairman asked me and I told him.

333. Did you ever tell him 150,000*l.*?—Certainly not.

334 You are the proper officer to advise him?—If he wants to know the cost of such and such an improvement, he would send for me.

335. It would be within your province?—Yes.

336. If he arrived at any other valuation it would be his own opinion?—Certainly.

Re-examined by Mr. *Wilkinson.*

337. That, of course, as it appears from the language of the correspondence, was a general assumption of a wide estimate?—Yes.

338. And given by you to the Chairman, probably, simply to guide him in the correspondence which at that time took place?—Yes.

339. At that time had you prepared any detailed estimate, on the 15th of February?—At that time I had not made a detailed estimate. Since then I have made a very careful one.

340. By the *Committee.*] We should like very much to have that estimate?—I should have great pleasure in submitting it to you, but we must not make it public.

Mr. *Wilkinson* stated the difficulty always felt in these cases was, that it was to the last degree dangerous to expose the details of an estimate because advantage was taken of it hereafter when the property was acquired.

The *Chairman* said there would be great difficulty in the Committee coming to a conclusion without having the estimate before them.

Mr. *Wilkinson* replied he would undertake to give the Committee such information as that they would have no difficulty in arriving at the point.

341. By Mr. *Wilkinson.*] There is a question or two my friend put to you as to the width or the want of width of several streets, such as Fleet-street and others in the City?—Yes.

342. You have found the great bar to all these improvements is their costliness and expense?—Always.

343. That, of course, you are obliged to consider as a most material item in any suggestion for improvement that is placed before the Board of Works?—

344. Especially as this cost is borne by the ratepayers?—It is so.

345. Now one word with regard to the width of the footway for 30 yards; you have explained that past these houses the width is only 3 ft. 6 in.?—It is so.

346. But that is on the eastern side, and for 30 yards only; on the western side have you an uniform width of footpath of six feet?—Yes, we have.

347. Your great object, I presume, is to relieve the carriage traffic, and not the foot traffic?—It is so.

348. I think it has always been in evidence before the Committee that the great bulk of the traffic goes westward, does it not do so?—It does so, I believe.

349. There will then be, even as far as the foot passengers are concerned, an uninterrupted way of six feet from Stanhope Gate right away to Piccadilly?—Yes, there would be.

350. On the west side?—Yes.

351. My question is, the bulk of the traffic being

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being in a westerly direction, there will be an uninterrupted way of six feet from Stanhope Gate throughout the whole line?—There would be.

352. I think you can now supply us with the gradient; just explain that. On your section I observe a gradient of 1 in 71 for that part my friend does not want; my friend asks as to that portion the present level of which is 1 in 38 for 400 feet?—No; I think that is the wrong scale.

353. From the point A to the point B on your section, representing a length of 400 feet, the gradient is now 1 in 38?—From Piccadilly to the *cul de sac*, for a length of 400 feet, the gradient is 1 in 38.

354. That is the exact gradient, which you do not propose to alter?—The present gradient, which we do not alter.

355. Do you happen to know whether the gradient opposite Park-lane, from Piccadilly to Park-lane, is steeper or less?—I cannot tell you.

356. By the *Committee.*] That is unaltered?—Yes.

357. Do you know what St. James-street is?—No, I do not; the general average, I am informed, is 1 in 29.

358. By Mr. *Wilkinson.*] Now direct your attention to Lord Conyngham's garden; you have explained that you propose to give him 1,000 square feet as compensation for 20 square feet?—I have.

359. And my friend puts it to you, suppose you are obliged to take the whole under the 97th clause and re-sell it, in your judgment would the re-sale of that property, with the garden and the addition made to it that you propose, be affected by the alteration?—No.

360. As far as my Lord Conyngham is concerned actually as an occupier, there might possibly be compensation in the case of removal or anything of that kind, but, so far as the fee is affected, there would be no question?—No.

361. Then my friend asked you as to the additional cost of pulling down or interfering with these houses, Johnstone's or Blythe's, which you leave untouched by your present scheme, and you told him the cost would be 40,000*l.*; do you mean your estimate for the whole improvement would be 40,000*l.* then, or do you mean the addition to your estimate would be 40,000*l.*?—It would be an additional net cost of 40,000*l.*

362. Upon your present estimate?—Upon my present estimate.

363. By the *Committee.*] I think you said they would be out of pocket 40,000*l.*?—Yes, be out of pocket that amount; it would cost us 40,000*l.*, the net cost.

364. By Mr. *Wilkinson.*] The taking away of these two houses?—The taking away of these two houses, and setting the frontage back, and re-building.

365. How have you estimated that 40,000*l.*?—Allowing a due proportion to the freeholder, the leaseholder, and occupier, and all concerned, and crediting ourselves with the recoupment of the frontage.

366. Have you made any estimate of the reduced value of the other houses in Hamilton-place?—No, I have not.

367. You have told my friend the narrowest portion of the carriageway is 28 ft. 4 in., and 28 ft. 7 in.; what is the narrowestportion of Park-lane as it exists?—18 ft. 1 in.

Further cross-examined by Mr. *Round.*

368. This 1 in 38 is not a very good gradient, is it?—It is not a bad gradient by any means.

369. Mr. Bazalgette is a pretty good judge of what is a good gradient; he is the engineer to the Metropolitan Board, and he would be a pretty good judge, I suppose?—He would be.

370. I find before the Thames Embankment, he is asked this question in page 99: "Supposing it went to the point of intersection at the corner of the Mansion House to the south corner, instead of the north corner, what would be the effect then. The levels in that street would be exceedingly bad, very bad; the rise from Walbrook, where it would cross Walbrook to the corner of the Mansion House, would be 1 in 33." So that from that description it is exceedingly bad?—No; I think in London streets it is not a bad gradient.

371. Mr. Bazalgette is the engineer of the Metropolitan Board of Works?—He is.

372. And lays out the new streets as a rule?—He does.

Further re-examined by Mr. *Wilkinson.*

373. Does Mr. Bazalgette lay out the new streets for the Board?—The gradients for the new streets, he always arranges those. I buy the property and he arranges the gradients.

Mr. Frederick Marrable, sworn; Examined by Mr. *Wilkinson.*

Mr. *F. Marrable.*

374. You are an Architect and Surveyor, carrying on business in Whitehall?—I am.

375. And you have had considerable experience as an architect and surveyor?—I have.

376. And you were formerly superintending architect of the Metropolitan Board of Works?—I was.

377. Have you been consulted by the Metropolitan Board of Works often upon the question of Metropolitan improvements generally?—During the time that I was the officer of the Board, I was invariably consulted upon such matters, and since I have left them they have several times consulted me as to the detail of certain schemes.

378. So that you have had considerable experience with reference to that particular branch of your profession?—Yes.

379. Have you considered the present proposal for opening a thoroughfare through Hamilton-place?—I have.

380. And you have been consulted by Mr. Vulliamy upon that?—I have.

381. Do you agree with him as to the estimate?—Yes, I do.

382. Have you also been consulted with reference to the proposal to widen Park-lane?—I have upon this Bill, for the purposes of this inquiry.

383. Did that proposal contemplate the improvement, as detailed by Mr. Vulliamy in his evidence just given; the widening of Park-lane, that is, the taking of Gloucester House and the adjoining properties?—Yes.

384. Have you prepared an estimate of the cost of effecting that improvement?—Yes, I have.

385. Will

385. Will you state to the Committee the amount of that estimate?—Yes, it is 101,995 *l.*

386. And you are prepared to give the Committee the detail of that estimate?—Yes.

387. Will you give us, as concisely as you can, and yet in such a way as to afford the Committee the information, the particulars of that detail?—I have estimated the cost of pulling down Gloucester House at 60,000 *l.*, that is including all interests in it; then Hale & Sons, the coach builders, next door, 9,100 *l.*; Dr. Wegg, next door to that, 5,250 *l.*; Brown & Son, corn chandlers, 5,600 *l.*; and the house now occupied by Mr. Drummond, 12,000 *l.*

388. By the *Committee.*] Is that Sir Lytton Bulwer's?—Yes; then the piece of garden ground belonging to the Marquess of Londonderry, 2,000 *l.*

389. Is that the part marked green?—Yes.

390. Is that required?—That would be required for the Park-lane improvement, and for the piece beyond that, which is coloured with a dark brown, common to both estimates, the piece occupied by Chief Justice Cockburn, 1,500 *l.*; to that I have added a sum of 10 per cent. to include incidentals; the making up road and footway, 9,545 *l.*; that makes a total of 104,995 *l.*, and from that I deduct a probable return of 3,000 *l.* for the old materials, and that leaves a sum of 101,995 *l.*

391. I observe in that estimate you have not allowed for any compensation to the houses in Hamilton-place and in Piccadilly, the backs or sides of which will be thrown immediately on to the widened thoroughfare?—Yes.

392. You have not allowed any compensation for that?—No, I have not.

393. By the *Committee.*] Would any part of these houses in Hamilton-place abut on the new street?—No, I think not. There is a party wall now existing between these houses in Park-lane and the houses in Hamilton-place, and that party wall would only become an external wall. They have no right to light that way, but they might obtain them.

394. And that would be an advantage instead of a disadvantage?—Yes.

395. By Mr. *Wilkinson.*] My question was rather with respect to their present privacy; they would be immediately thrown upon a line of thoroughfare?—I think it very probable that Mr. Munro's house, if the houses in Hamilton-place have any claim for compensation by reason of carrying a public thoroughfare through there, would have a similar claim. The windows look up Park-lane, and that garden would be exposed to the same inconvenience that the houses in Hamilton-place would be.

396. Would not that observation apply to all the other houses that are thrown into juxtaposition with the new line of thoroughfare?—I think not; the wall would become merely an external wall; they have no rights there, I think.

397. But that wall, being a party wall, would then become an external wall?—Yes.

398. Which they might pierce for windows, and so on?—That would be an advantage to them.

399. You have allowed no compensation in respect of that?—No, I have not.

400. Now, comparing the two schemes, will you state to the Committee your opinion with reference to them, as far as the public advantage is concerned?—I am of opinion that the opening of Hamilton-place is more desirable for the purposes of the public traffic than the widening of Park-lane, and for this reason the upper part of Park-lane, past the intended improvements, shows a carriage width of only 30 ft. 6 in.; here it is 31 ft. 5 in., and here it is 37 ft. 10 in. Now, I do think it would not be at all to the advantage of the public to have so wide an opening here, by which a vast amount of traffic from Piccadilly would be thrown into Park-lane at once, which would become impeded there, and the traffic that would get into this large street would be stopped when it got there; it would not be able to move onwards, so that there would be a continual block. If that had to be divided, there is a greater chance of the traffic of the two streets passing off up there, and up there than there would be in getting into this one large open space, and it would be very liable indeed to be blocked up at that point. Then, again, I think that the traffic passing through a thoroughfare of 30 ft. 6 in. will easily find its way out into Piccadilly by two thoroughfares, one 28 ft. 4 in. as a minimum, and the other 18 ft. 4 in. as a minimum. Taking those two together, you get 46 ft. 5 in. as the minimum width for the carriage traffic to carry off the traffic passing through 30 ft. 6 in. So that the two roads together must be sufficient to carry off all the traffic passing there.

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401. Upon that you have no question at all?—No.

402. Did you lay out the new street, Southwark-street, to which reference has been made?—I did from first to last, except when I left the Board there were two or three properties still to be purchased; however, the street was determined upon.

403. What was your special object in laying out that street?—In what respect?

404. With regard to the character of the traffic?—That was an entirely new street, and I advised the Board then, as I would have done on any other occasion, not to construct any entirely new street that was likely to become a great thoroughfare, of a less width than 70 feet.

405. Is there any peculiarity in the traffic of that district which does not exist here?—It was intended as a thoroughfare, to relieve the traffic, a great deal of which went through the City from Westminster to London Bridge; it was anticipated that it would be a very great thoroughfare, and so it is.

406. And is the traffic more particularly of a commercial and heavy character, or is it of the same character as this?—I hardly know how to make a distinction; it has a very heavy traffic with hop waggons and railway waggons, and so on; but there is also a great deal of heavy traffic coming down Park-lane from the Great Western Railway.

407. Do you think there is any difference in the general character of the traffic, as far as the heavy and the commercial traffic is concerned, between the two lines?—There is more heavy and commercial traffic in Southwark-street undoubtedly than there is in Park-lane.

408. By the *Committee.*] Suppose the upper part of Park-lane were to be widened, to make it 60 or 70 feet wide, which would you then consider to be the best plan?—Then I think the widening of Park-lane would be preferable. If you could widen Park-lane all the way up, but I do not think that a street as wide as 80 feet is altogether advisable; it is very difficult and dangerous for foot passengers to cross.

409. If that is the case, why do you take that piece marked dark green; you have now 38 feet in

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in width?—Do you mean the dark green piece, for the Park-lane improvement?

410. Yes; if your opinion is against wide streets, why do you take that piece?—I have not laid it down.

411. Yes, in the estimate you have?—If we do not take that piece, that bit which is coloured dark green, we should then abrogate all the advantages we get by opening the lower part; that is a piece about 32 feet wide.

412. That is wider now than beyond where your improvement commences, is it not; I am speaking of the upper piece, the dark green?—It leaves a roadway there of 34 ft. 6 in.

413. That is a greater width than you have got beyond there?—Yes, it is 30 ft. 6 in. there; if that were not taken, and it was opened out suddenly, there would be a block, unless it was taken back for building purposes, it would hardly be advisable.

Cross-examined by Mr. *Round.*

414. Do I understand you would advise the Board, in constructing a new street, to make it 70 feet wide at least?—Where they can take it right from end to end of an uniform width, I think it is rather advisable; that is to say, if it is a street of very great general traffic.

415. Such as this is. There will be a very great general traffic, will there not?—Yes.

416. And would you advise them not to take 70 feet if they are only altering it; is that the distinction you draw?—Yes; because there is a part of the old street that remains that is only 30 ft. 6 in., as I have said, and if you get a greater accession of traffic into the wider part, when that gets to the 30 ft. 6 in., it must necessarily be blocked up at that point (*R in Park-lane*) where the two meet.

417. That is a common point, is it not?—Yes.

418. You mean between the Park-lane and the Hamilton-place improvement?—Yes.

419. It will be an equally common point whether Hamilton-place remains as it is, and a wide street made of Park-lane, or whether Park-lane is left as it is, and Hamilton-place is added to it?—Yes.

420. In each case Stanhope Gate is a common point?—Yes.

421. You have told us that Hamilton-place will give us 28 ft. 4 in. in the narrowest part, and Park-lane 18 ft. 1 in.; is it your opinion, those two, the one of 28 ft. 4 in., and the other of 18 ft. 1 in., is better than one of 70 feet?—It is, under the circumstances, because it is more capable of police arrangements in case of any block in the upper part of Park-lane; a policeman may stop the traffic in one or other of the branches till the road had been got clear.

422. Police arrangements are always supplemental; you would not think it necessary to have police unless it can be avoided?—Personally, I very much object to it.

423. If the street is sufficiently wide, the police are not wanted?—No.

424. The police are only called on where the thing is a makeshift, and there is a large amount of traffic sent through a narrow thoroughfare?—Yes.

425. And this plan of the Metropolitan Board will involve the necessity of policemen?—I am not clear about that.

426. You did not hear Sir Richard Mayne say that it would?—No, I did not; I think he said with a police regulation there would be no difficulty in arranging the traffic, so that there will be no impediment.

427. You do not think it possible the traffic can be carried along these two narrow streets without the police to direct the heavy traffic in one direction and the light in the other?—I think it would be; I think where there are two branches that would be unnecessary.

428. You say that, bearing in mind that the traffic is all from the west?—I think that the traffic coming along Piccadilly from the west, if they found Hamilton-place very crowded, would go a little further down, and take the other road.

429. Do you think a carman will judge of that for himself, or that he will be told, if he is a carman, you must go on and take Park-lane?—If he sees Hamilton-place is blocked up, he will go on and see if Park-lane is more free.

430. Now, one question with regard to the Duke of Cambridge's house; did you hear what fine he paid?—I did.

431. Something under 5,000 *l.*?—Yes.

432. What would be the annual value of the house measured with respect to that fine?—Do you mean the annual value of it now, having paid that fine?

433. Yes?—I think the annual value of it is 2,000 *l.*

434. With reference to the fine, will you undertake to say more than 1,000 *l.*?—I say 2,000 *l.*

435. And you say that with reference to the amount of the fine?—The Duke had, I think, 19 years of his old lease unexpired, and he paid a fine to get a renewal of that lease for 40 years, as I understand. He had 18½ or 19 years, or something of that sort, which he gave up, and that must be taken into consideration along with the fine; he gave up a valuable consideration in giving up the lease of 18 or 19 years at a low rental; I believe, at 150 *l.* a year ground rent. His lease being as nearly expired as 18 or 19 years, and he being desirous of laying out a considerable sum of money in the improvement of the property, was satisfied to pay a fine of 4,800 *l.*; it was short of 5,000 *l.* I know.

436. It was 4,500 *l.*?—It was 4,585 *l.*, I think.

437. Yes?—In estimating the value of the lease you must consider what he gave up as well as well as what he paid; that is part of the value.

438. I am only asking your opinion, and you give me that answer, that it is worth 2,000 *l.* a year, with reference to the fine that was paid. Will you tell me how many years' purchase is that calculated on, the 2,000 *l.* a year?—To arrive at 2,000 *l.* a year out of the fine paid?

439. No; how many years' purchase would you give for the 2,000 *l.*?—To arrive at my total estimate?

Mr. *Wilkinson* submitted to the Committee that Mr. Round was entrenching on the detail question.

The *Witness.* I have worked it out in detail; and, if the Committee desire it, I will give them my figures.

The *Chairman* stated the Committee did not think it necessary for the Witness to go more into detail.

Re-examined by Mr. *Wilkinson.*

440. Were you in the room when Sir Richard Mayne, cross-examined by Mr. Denison, said that it would take not as many policemen as are now taken to keep the traffic in order if this embankment were carried out?—I was.

WILLIAM TITE, Esq., M.P., sworn; Examined by Mr. *Wilkinson*.

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441. You are a Member of Parliament, as we all know?—Yes.

442. And also a Member of the Metropolitan Board of Works?—Yes.

443. Have the Board carefully considered, while you have been a member of that Board, the necessity of an improvement in the direction now proposed, by the widening of Hamilton-place?—Yes, they have.

444. You, I believe, are well acquainted with the property in that part of the metropolis, are you not?—Pretty well. I have not gone into it like some of the gentlemen who have been before you, with an estimate, but I know it very well.

445. You have carefully considered the relative advantages of the two projects, the one opening a thoroughfare through Hamilton-place, and the other of widening Park-lane?—Yes; that is, as a member of the Board, I have.

446. You, as a member?—Yes.

447. Will you give to the Committee your opinion on both these projects, first as to Hamilton-place?—With regard to Hamilton-place, the road is perfectly obvious, and the communication has been often suggested as a possible and feasible one. Now, we think, as regards the traffic, that by proper police regulations for the entering or the returning traffic by one or other of the ways, all public purposes will be thoroughly observed by the opening of Hamilton-place, and we think it an expense which the Metropolitan Board could contemplate. Of course, if you take down Gloucester House, there is nothing there to enable you to get a credit in return for the enormous outlay you are going to; you must either have the 70 feet or have nothing, at least not anything that would let to anybody for anything.

448. Suppose you were to modify the width of 70 feet, you could not modify it in such a way as to render the property destroyed valuable for building purposes?—No, we thought not. That was considered with great care. In truth the continuing of Hamilton-place, or the widening and improvement of this approach, has been one of the objects that the Metropolitan Board has had in view for a very long time, but the difficulties that seemed to surround Hamilton-place, and the enormous cost of Park-lane, has induced them to give it up until they were again roused by me. I having been asked a question very unexpectedly in the House of Commons upon the subject, I brought it under their notice. It was then again deliberately, anxiously, and carefully considered, and I may tell the Committee that my getting it entertained on that occasion was only by the casting vote of the Chairman himself. The grounds are these, that it is an improvement which the people generally think ought to be borne by the country and not by the mere common ratepayers of the metropolis. It is in a very wealthy parish, and we did hope that the parish itself would have helped us. It is in St. George's, Hanover-square. That was part of my resolution, and also that the Government should be applied to. However, St. George's, Hanover-square, declined to give us anything, and therefore we are thrown upon a rate which I think has reached almost its legal maximum, if it has not reached its legal maximum. It appeared to me I should not have had a chance if I had talked of the expenditure of half the expense of Park-lane improvement, but as the one was practicable at a reasonable amount of cost, I was enabled by persevering in the line of argument which I had set up, and by the common feeling of everybody that something ought to be done to get the Board to consent to give the preliminary notices, and at last the Board have consented to go on with the Hamilton-place scheme; but I should entirely fail, and should be deceiving the Committee, if I were to give the Committee to hope that Park-lane improvement might be carried out. I can only say, as far as my knowledge goes, it will never undertake anything but the Hamilton-place scheme, because they will not enter upon the enormous outlay the other will involve.

449. Do you think the cost of widening Park-lane would approach the estimate that has been given?—I heard the detail that was just given, and I feel with the Chairman that I do not think 100,000*l.* would do it; as to Gloucester House I can give no opinion.

450. When you say the Chairman, you mean the Chairman of the Metropolitan Board in his correspondence?—Yes; he said from 100,000*l.* to 150,000*l.*; he had not the detail estimate at that time, but having heard the figures, I think, looking to the enormous increase in the value of property that has taken place recently, and the circumstance that juries are led to believe that people are not to be turned out without giving them enormous compensation, I think 100,000*l.* is a very small estimate for that work, and I do not think it would do it.

451. Generally, may I understand your opinion to be, that the widening of Hamilton-place is the only feasible improvement, so far as the Metropolitan Board of Works are concerned, and that is why you recommend it?—Yes.

Cross-examined by Mr. *Round*.

452. The proposal only comes before Parliament by the effect of the casting vote of the Board?—It has got better than that—the last vote, which was the turning point; I first got it entertained by a casting vote; I then got power to give notice, by a majority of 25 to 8 or 10; and recently, when we had to determine whether we would go to the expense of coming to Parliament, I believe there was a minority of 2; it was 28 or 30 to 2.

453. When it came to the question of Bill or no Bill, 30 voted, and there was a majority of 2 in favour of the Bill?—No, a majority of 28.

454. Twenty-eight out of 30 voted for you?—Yes; therefore, my answer is that it eventually received so large an amount of support after all discussion and information, that it was carried by a very considerable majority.

455. You have not been favourable to the scheme?—Yes, I felt the necessity of something being done, but till the revival of this question I never went largely into it.

456. You have always been pressed up to this time with the difficulties that surrounded the question of Hamilton-place?—Yes; there is a belief on our part that there was a covenant which protected the tenants; there was also an

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impression created in our minds, and not contradicted till recently, that there was a covenant, and that the Attorney General and Solicitor General had given their opinions in favour of it, that the Crown could not consent; that was our impression.

457. You do not know what was the impression of the law officers?—I know that it cannot be so; that there is no covenant.

458. On the broader ground of the good faith, all the understanding you do not know?—No; we should not know where we are without there being an impression on the part of the Government that there is no breach of faith, because the Treasury could stop it in a minute.

459. Mr. Cooper has told you that, for that portion of the park which is in his hands, as distinguished from that of Mr. Gore, they will not charge you for the right to go through the park?—I was in communication with the Treasury; the Parliamentary Secretary of the Treasury requested me to postpone the second reading, to give him an opportunity of inquiring into the matter; I did do so, and was satisfied with the explanations, and authorised the Bill to be proceeded with, and, although it was opposed in the House, it was not opposed by the Government.

460. What the views of the Government are as to the opposition of the Crown and of the landlords of Hamilton-place and its lessees, you do not know?—No, except the inference that I draw from the delay.

461. You took a fair view in bringing this measure before the Board, and said that the Lands Clauses Consolidation Act would apply so as to give compensation to the gentlemen?—Yes; if they are injured, the 68th section would cover it.

462. Do you think it would?—That is a matter of opinion; I entertain a very strong opinion that it would not; that is entirely matter of feeling; I think the clause would, if they are injured, but whether a jury would give them a large sum for that injury is a matter of opinion; I think they would not, and I base that opinion on this. Look at the traffic along Grosvenor-place; I see no falling off in the value of the houses; they are increasing; the traffic has doubled, and trebled, and quadrupled, and quintupled. As to one side of Lowndes-square, I am on the quiet side of the square, I care nothing about the traffic, and I have said that I wish all the traffic went as freely one way as another.

463. Do you adopt the expressions used by the Chairman of the Board when he says that it can be carried through Hamilton-place with little or no inconvenience to individuals, that is your position?—Not exactly that is my opinion.

464. You do endorse the opinion of the Chairman of your Board?—Yes; and I do not think a jury would give very much compensation.

465. As to Hamilton-place, and the people who live there, you think it will cost little or no inconvenience?—No; that is, the traffic will be regulated, and going only one way, either in or out.

466. The case of injurious affecting applies to those houses that are not touched?—Clearly.

467. It would not apply to Lord Conyngham?

468. Do you also endorse the opinion of a former witness that you can ask Lord Conyngham to accept the additional piece of garden, and cry quits with him?—I am not particularly careful on that subject. I do not know what he might choose to do. Very likely he would be willing to accept it.

469. Let us suppose that he is so blind to his own interests, and so dazzled with the prospect offered by the Metropolitan Board of Works, supposing he does not?—Then we would buy his house.

470. Altogether?—Yes.

471. Could he compel you?—Yes.

472. Do you mean to say that?—Yes.

473. Have you read your Bill. Shall I read it to you?—Is there a clause in it to the contrary? The law, as I know it, is this: the Lands Clauses Consolidation Act would compel us, if we took a piece of a man's garden, to take the house.

474. Have you virtually excluded that in the Bill?—No.

475. Then you do not know what the provisions of the Bill are after that?—Certainly not. I believed and understood distinctly that the Lands Clauses Consolidation Act and all its provisions were imported into that Bill, and I did not know of any clause that would defeat it.

476. Who prepared the Bill?—Strike it out if it is not fair.

477. Who prepared it; who is the solicitor?—Mr. Smith.

478. Did he lay the Bill before the Board?—Doubtless. I never read Acts of Parliament. I do not understand them.

479. The Lands Clauses Consolidation Act, except the sections 92 and 113, are incorporated?—I do not know what those sections are.

480. You have told us what section 92 is, that if the promoters touch a part of a man's house, they can be compelled to take the whole?—I did not know it.

481. The 92d section is this: "That if the promoters of an undertaking touch part of your house, the owner of the house is entitled to call on the company to buy the whole of it?"—Yes, if that be so, and that clause works it out, it is inconsistent with my expectation of that Bill.

482. Is it also inconsistent with reason?—No, not at all; I think it is quite right.

483. You say it is inconsistent with your expectations?—Yes.

484. Is it inconsistent with what is right?—I think that is quite another question; I know nothing about the Bill. I never read it; it is not my business to read it. I have told the Government that the Lands Clauses Consolidation Act was to be incorporated like everything else into our Act; and if it is not, all I can say is it ought to be.

485. Do you know that your officer has violated that instruction?—No, he is incapable of it.

486. I show you that the 92d section is excluded, and therefore Lord Conyngham would not have the right to call on you to buy the whole of his house?—Then he would not possess the right which every one else possesses.

487. Under sections 20 and 21, first of all under section 20, if he is not inclined to sell, this is the clause: "If the owner, lessee, or occupier is willing only to sell a part, then a jury or arbitrator is to say how much the house is worth, with so much less garden, and then to pay him the difference between the two?"—Yes.

488. Is that a fair substitution for section 92?—Yes, it is fair; but not what I meant.

489. And you still propose in the 21st section to compensate him not only for the value of the house

house to be assessed in the way you said, but for the value separate and distinct from the consideration of any other loss to which the occupier might otherwise be entitled, or any loss or damage to be sustained by him in consequence of the execution of any of the powers of the Act?—Yes.

490. So that he would have three claims, first of all the value of the house, then the personal loss, and then the damage?—I do not know what personal loss is.

491. I will read it to you: my Lord Conyngham will have three heads of claim; first of all there will be the claim for the value of the house, then the loss to which he is personally entitled, besides any damage which he may sustain by the execution of any of the powers of the Act; now supposing Lord Conyngham does not feel inclined to accept this offer of so many additional feet, have you allowed for compensation under those heads?—Certainly not; we are quite willing to take the contingencies, and the Board are conscious of the possibility. I never concealed anything; when I made my last speech on that subject, I said they must take the consequence of a jury being of opinion that Hamilton-place was injured; we should buy his house, and within two years we should sell it probably for more money than we give for it.

492. My complaint is, that the officers of the Board have concealed from you what the Bill is?—They are quite incapable of such a thing; it is not my business to draw an Act of Parliament; if I tried to understand it I should not.

493. Don't say that?—I would much rather have your opinion on it.

494. Did I understand you to say that if you bought his house you would sell it again?—Yes.

495. I have an amended Bill here in my hand; I find you strike out the 23d section, which is, that the Board may sell land; this is handed over to us by the promoters; I ask you to turn your attention to sections 23, 24 and 25; the marginal note there is "The Board may sell land;" "The Board shall sell any land not wanted;" "Receipts of the Board to be effectual discharges." Those three clauses are now struck out of the Bill, therefore you may not do those things; how do you mean to recoup yourselves?—I should do that in this way; there is nothing to hinder them letting it, but if the Committee think it right to give us the preamble of the Bill, you cannot be in better hands than the Chairman, and all that matter is put right.

Re-examined by Mr. *Wilkinson*.

496. It is no part of your duty to go into allthe details of the preparation of the Bill?—Certainly not.

497. But from my learned friend's cross-examination it appears that the 20th and 21st clauses would give the fullest protection to Lord Conyngham, as ample as he could have under the 92d section; is not that so?—Apparently it is; I think it gives him more.

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498. Is it within your knowledge that in the experience of the Metropolitan Board, in all cases, it has been found more convenient to Act under the protection of special clauses like these, than under the old clause, the 92d?—I do not know that, as regards our Board; I will tell you this, that I know that the City clauses for the City Improvement, the Thames Embankment, may be a case in point; there are special clauses in that. In the City clauses all those conveniences and facilities are given, and it is desirable that they should be. The dry law, as it stands, is what I have told you. I have seen the greatest amount of wrong done. I have seen a brewhouse where, merely because we touched the corner of the yard, we had to take the whole of the brewhouse and everything belonging to it, and that, I say, is an unreasonable issue to put on a body of men who are working for a public purpose; it may, perhaps, be very right for a railway company, or a speculation of that sort, but not for these things which are for the public convenience, and paid for out of funds which are obtained with difficulty from poor people.

499. My learned friend called your attention to this, that the special power to sell land was struck out; are you aware that the general clause in the Lands Clauses Consolidation Act gives the fullest power to deal with all such cases, and if we are obliged to buy the whole of the land, they are to be sold?—Yes.

500. By the *Committee.*] I should like to know this: Mr. Hamilton, the Secretary of the Treasury, on the 24th March 1862, wrote a letter to the First Commissioner of Works, in page 12, in which, referring to the opinion of the law officers of the Crown, he says, "My Lords, however, do not go to the length of interpreting the opinion of the law officers referred to, as creating an insuperable obstacle to opening a thoroughfare through Hamilton-place, if it can be shown that that opening would afford the best means of relieving the traffic of Park-lane." Is it your opinion that this is the best means?—Yes, the best practical means. I am sure that if this is not done, in my opinion, nothing will be done; it is a direct line; a most convenient line; the police would be able to divide the traffic, and it is the best in the sense in which it is practicable. If you had the means of the Emperor of the French to cut a great street a 100 feet wide, nobody knows where, and the cost of which nobody knows, that is another matter, but I am talking of it as a plain, sensible Englishman; I should be very sorry if there was any injury to anyone, but if it is the opinion of 12 of my fellow men that it is so injured, we should be willing to take the consequences of their verdict.

[The Witness withdrew.

Mr. George Pownall, sworn; Examined by Mr. *Phinn*.

501. I believe you have enjoyed very extensive practice as a land surveyor and valuer for many years?—Yes, I have.

502. Has your attention been directed to metropolitan property as well as to rural property?—Very much so.

503. Have you acted as valuer for many public Boards in the metropolis?—Yes, I advised most of the Commissions that have recently been sitting as to public improvements, and the Metropolitan Board of Works as to the great works that they are now carrying out.

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504. We had your evidence in the Thames Embankment; you gave evidence before the Royal Commission?—Yes.

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505. And also on intricate questions of compensation before the Committee?—Yes.

506. And as to the new street also?—Yes.

507. So that I think I may present you to the Committee as a gentleman who has had a great deal of experience in these matters?—Yes.

508. Have you considered the estimate for our proposed scheme, going through Hamilton-place?—That is, the extension of Hamilton-place, without taking down the houses on the east side in that way, that I understand to be the scheme of the Board.

509. Have you turned your attention to it?—Yes, I estimate the cost of that improvement on the understanding that that portion of the private garden is to be given by the First Commissioner of Works without expense to the Board; I estimate the cost at 13,000 *l.*

510. You differ a little from Mr. Vulliamy in that respect?—Yes.

511. You put it rather higher?—Yes.

512. A very little difference of view will make a great deal of difference in the estimate?—Yes.

513. In that, first of all, what do you include, compensation to whom?—I include a sum of 3,000 *l.* as compensation to the Marquis of Conyngham. I do not believe that the value of the fee; if in possession to-morrow, with the additional quantity of land that is proposed to be given, that the value of the fee of that house would be injured at all; but I can understand that the Marquis may have taken that particular house by way of its privacy and quiet, and may choose to go away; you must pay him compensation for going.

514. Those things are always valued as if the matter was in fee?—No doubt.

515. And do you think that to the owner of the fee the addition of the piece of garden proposed here, would be an adequate compensation for bringing the traffic past?—I think so; the owner of the fee would be able to get as much from another tenant for that house, having regard to the additional land given, as he could get now. Commercially there is no injury done to the house.

516. In fact, if a gentleman who had not desired the solitude of Hamilton-place were looking for such a house as this, you think you would get as good a rent as you could get now?—Yes.

517. The Marquis having enjoyed that advantage, you had 3,000 *l.*, plus this garden thrown in?—Yes, it is entirely a matter of personal feeling; it may be an agreeable thing for him to live there; but with the example of those beautiful mansions in Grosvenor-place, and the knowledge I have of the great increasing price of the houses in Grosvenor-place, I believe that although the Marquis might choose to leave on account of his privacy being disturbed, there would be other tenants who would be willing to give the full value of the houses.

518. That leads me to this question, do you know that since the establishment of the Victoria-station, the traffic up and down Grosvenor-place has very considerably increased?—Yes, it has.

519. Have you found there has been a diminution in the value of the houses?—No.

520. Have you found them progress in other houses?—Yes.

521. By the *Committee.*] What is the breadth of Grosvenor-place?—It varies very much; it is wider in some parts than others.

522. Take the narrowest part, what is it about?—I should think it was 80 feet wide, and in some parts wider.

523. Mr. *Phinn.*] It is on a steep descent; they come rattling down?—Yes.

524. Does that include any compensation to the owners of the houses who have roads now in front of them?—No; I understood the decision of the referees, that the promoters were not bound to make any provision for that consequential injury.

525. It was that we were not bound to include it in our estimate?—Yes.

526. They did not give an opinion on the point of law?—No.

527. Assuming compensation to be given to all of them here, you would begin with Lord Eldon's; he has got the road in front of him now, and so has Sir Edward Kerrison?—Yes.

528. Every carriage that goes up to these houses passes there, now?—Yes.

529. Have you taken a view of what the amount of compensation would be?—I have not, in consequence of the decision of the referees, and it would be very speculative.

530. And very objectionable?—Yes.

531. You have had a great deal of experience before compensation juries?—Yes.

532. Could you advise your clients with a thousand pounds what they might or might not give?—I should be very much puzzled to say what is a proper amount of compensation for a matter of feeling; if a house is damaged to the extent of 100 *l.* a year, of 1,000 *l.* a year, it is a question simply to be determined by compensation; but these questions of feeling are very difficult things to capitalize.

533. Matters of caprice and fancy it is difficult to capitalize?—Yes.

534. A great deal of the amenity of these houses depends not on the gardens and their leases, but the additional garden thrown from the Park?—Yes.

535. Have you given compensation for this house of Blythe's Trustees, which is not proposed to be taken?—Is that the southern house of the two?

536. Yes?—No; for the same reason that I have not given compensation for the three houses on the west side.

537. Now we come to Mr. Munro's house (Mr. Butler Johnstone's house); we take a considerable portion of the garden?—Yes.

538. What compensation do you calculate for that house, affecting the garden the way that we propose to do?—£.7,500; I think with reference to that house there is a substantial injury done to the fee of that house.

539. We take a large portion of the garden?—Yes, the whole width of the road is taken out of that garden, as well as the 1,000 feet proposed to be transferred to Lord Conyngham.

540. What should you put as the value of that house in the market?—To buy it out and out?

541. Yes?—Under the circumstances of a compulsory sale I should put that at 25,500 *l.*, that is for all the interests.

542. It would fetch about 18,000 *l.* now, you think?—Just so.

543. Now I must take you to this part of the subject as to the alternative scheme; I am not going to ask you about the merits or demerits of it in an engineering point of view; I am merely asking you as to the estimate you have formed for

for the property compulsorily taken; I think we had the Duke of Cambridge stating on Friday last that he had recently become possessed of an extended lease of Gloucester House?—Yes.

544. Assuming that to be taken for the purpose of this improvement compulsorily, what have you estimated it at?—I have taken that at 60,000 *l.*, for all the interests.

545. You heard the evidence which was given by the last witness on that subject?—Yes.

546. Do you concur with him?—Yes.

547. Have you framed your estimate on the same principle?—I did not know what his estimate was till I came here to-day; I framed my estimate from knowing what the house was assessed at when the Duke's lease was renewed; the rent that Mr. Hunt assessed his fine upon was 1,800 *l.* a year.

548. By the *Committee.*] That is a valuation independent of that of the former witness?—Yes. I know that Mr. Hunt assessed the fine paid by the Duke on a rental of 1,800 *l.* a year, that is, six, or seven, or eight years ago, and probably if he had to assess it now he would put it a good deal higher.

549. The Duke said the other day that he had paid 4,500 *l.*, but it did not appear for what number of years he had done it?—It is usual for the Dean and Chapter of Westminster to renew every 14 years, to make up the lease to 40 years from the date of it; in the Duke's case he had not renewed at that period, but allowed the lease to run on more; instead of having 26 years he had only 19 or 20.

550. And as to the 4,500 *l.*, how many years did he give for that?—I forget the amount of the fine.

551. £. 4,590?—It would be between two or three years.

552. Improved rent?—Yes; ordinarily if a tenant of the Dean and Chapter renews at the end of 14 years, he pays two years on the rack-rent; the Duke had allowed his lease to run on and had to pay more.

553. By the *Committee.*] It is not from the Dean and Chapter, it is from Sir Robert Sutton that he holds?—The Dean and Chapter are the freeholders; Sir Robert Sutton assigned his interest to the Duke; the Duke stands in Sir Robert Sutton's shoes.

554. Mr. *Phinn.*] I will pass now from that house to the next house which is taken; what do you value that at?—I have made out my valuation in a different way from that of Mr. Marrable; I have taken the value of all the interests in the Company, and have added a sum as compensation for trade, house, and removal.

555. Those are trade houses?—Yes.

556. You estimate them separately from the residential houses?—Yes.

557. What do the trade houses come to?—I can give you each according to their number, beginning at Gloucester House. I take that all interests at 60,000 *l.*; then the coachmaker's house, occupied by Mr. Hale, at 7,500 *l.*; then a private dwelling, occupied by Dr. Wegg, at 4,500 *l.*; then I take the house of a cornfactor and some offices, Messrs. Brown and Son, at 6,000 *l.*; then I take the private house looking north into the park.

558. By Mr. *Phinn.*] Sir Edward Bulwer used to have that house?—Yes, that I take at 12,000 *l.*; and then the two plots of land that have been so frequently spoken of, at 4,000 *l.*; the plots of land in continuation—there are two plots there, both belonging to the Dean and Chapter of Westminster, and both let for some years to come.

559. By the *Committee.*] Incidentals is the next thing, what do you calculate that at?—£. 10,000. My next estimate is 104,000 *l.*; I do not take any credit for the old materials or anything of that sort; they will go to pay the expenses.

560. Mr. *Phinn.*] You have excluded from your calculation any compensation for the houses in Hamilton-place not touched by the projected improvement?—Yes.

561. Have you also excluded from your calculation, if the Duke of Cambridge's house, and the other defences, if I may so call them, of the other houses are removed, have you excluded any compensation to Lord Cadogan's house?—Yes, on the direction of the referees, that consequential damage to houses that were not touched was not to be included in our estimate.

562. Supposing it is to be included, my friends cannot have it both ways; if it is to be included in the Hamilton-place scheme, it must also be included with Lord Cadogan's house, and these two houses of Blythe's trustees and Mr. Butler-Johnstone?—I should say so.

563. You would take away their protection from the noise, and bring the noise close under their houses?—Yes.

564. And make a facing to the walls?—Yes.

565. They cannot exclude damage to these houses from their estimate here, and include it in Park-lane?—I do not think it would be fair to do so.

566. Supposing it were established that we were paid for passing these houses, they must pay for passing those?—No doubt.

567. How would Mr. Butler-Johnstone be off; he would be as badly off in the one case as he would be in the other?—Yes, he would object to it, and Lady Cadogan, too, I think.

Cross-examined by Mr. *Round.*

568. There would be this essential difference between the way in which Mr. Butler-Johnstone's house would be affected by the one scheme, and by the other by Hamilton-place; you pass in front of his house, and by the other at the back?—Yes.

569. That would affect the compensation?—As regards the two houses of Blythe's trustees and Mr. Munro, it would bring the noise close to Lady Cadogan's house and also Mr. Munro's.

570. I think I see the reason why we had not you before the referees; your estimate was 13,000 *l.*?—I do not know what the reason was that influenced Mr. Phinn.

571. Their estimate was 10,000 *l.*?—Yes.

572. Therefore, we should have had an adverse report?—I must refer you to Mr. Phinn.

573. Is this, in your opinion, the best scheme?—Having regard to the important item that was mentioned by Mr. Tite, that of expense, I think it is; if that was a blank field, I do not suppose any surveyor who understood his business would think of making a street 45 ft. 9 ins. wide; he would rather make it wider; but we are dealing with existing properties of great value, and having reference to the important item of expense, I think that is a best thing.

574. He would be demented if he made it

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24 ft. 4 ins.?—He would not do that if he could make it 38 ft. 4 ins.

575. Would you recommend it?—No, I should prefer seeing the street of one uniform width; if the Board will not do that, if they do not feel justified in putting the ratepayers to that expense, then their scheme is the next best thing that can be adopted.

576. It is the best thing which the Board can propose?—They are our representatives, and they hold our funds in trust, not to expend them unnecessarily for any local advantage.

577. Is it the best thing that they can do with reference to the funds at their command?—After the statement of Mr. Tite, I think that there is no doubt about it; I am not in the confidence of the Board; if they ask me what I considered the best plan, I should have said, take down those houses on the right hand side and make the street of a uniform width throughout.

578. Do you think, apart from the question of a few thousand pounds, one way or the other, you would not have represented the Hamilton-place scheme as the best for the public?—I think it is the best.

579. Not in the interest of the public, apart from the additional expenditure?—Not apart from the question of expense, if those houses are not taken down on the right.

580. If there is only 10,000*l.* laid out on it, perhaps this is the best scheme?—Yes.

581. Now, as to the 10,000*l.* being the sum to be laid out?—You must allow me to take my own estimate as the basis of comparison between the two; I say 13,000*l.*

582. Thirteen thousand pounds excludes all compensation, as you say, to those gentlemen who are not touched?—Yes.

583. And you say that it is an uncertain sort of speculation?—Yes.

584. Would you hesitate in advising these gentlemen to give a proper notice under the 68th section?—I should consider that is more the duty of the gentlemen in your profession than mine; I never advocate litigation.

585. You wish everybody to have their rights?—Yes.

586. Let us suppose his Grace of Sutherland sending for you and saying, "Do you think I ought to remain quiet under the infliction of this nuisance?"—I should say it is very much a matter of feeling. You find Mr. Holford lays out 100,000*l.* in building a house, and takes down a high wall which shuts out the traffic, and puts up a common, inviting the inspection of his building, and it is quite probable that the Marquis of Conyngham may desire to avoid that.

587. Supposing the Duke of Sutherland preferred treating it as a matter of pounds, shillings, and pence?—I say that it is a matter of feeling, because commercially those houses will be as valuable when Hamilton-place is opened as they are now; that it is a *cul de sac*, except only the houses to the right, from which the garden is taken.

588. Have you any doubt whether they asked your advice or not, that there will be a claim for compensation?—If he did, there is a reasonable probability of getting something.

589. Apart from the question of feeling, do not you think so?—Commercially, I do not think that those houses are injured at all, because I do not find that houses of equal value and equal pretensions are injured by the greatly increased traffic in that neighbourhood; every house in Park-lane is caught up the moment it is to let.

590. You say commercially the Marquis of Conyngham is not injured; he has fifty years in it?—If he feels that to be an evil, a disagreeable thing for him to bear, he is entitled to go away, and we must then sell the house and give him 3,000*l.* for going, or any other sum that the jury may think he is entitled to.

591. If the Bill is brought in as Mr. Tite thought, Lord Conyngham would have the power of saying to the promoters, "You have touched my garden; buy my house, and I am off?"—Yes.

592. Now that it is drawn without Mr. Tite's knowledge, it is in a different way, but in the 21st clause he would be entitled to his value?—I have not read that clause, if I had I should not have understood it; it is quite sufficient to me when the law is determined to determine what the damage is. In this very case of Ricketts, the greatest judges in the land have differed.

593. That was a case of trade or business?—I forget.

594. In the 21st section, Lord Conyngham, who is not to have the protection of the 92d section, still he is to be compensated first for the value of the land or any share estate, or interest therein, or charge thereon, separate and distinct from the consideration of any other loss to which the occupier may personally be entitled, or any loss or damage to be sustained by any person in consequence of the execution of any of the powers of the Act?—It would be better, I think, not to have any special legislation; but it is not a surveyor's question.

595. Then you think this clause ought not to be in the 92d?—I give a general opinion, that I do not think special legislation against an individual or in his favour is desirable.

596. If there is no special legislation, and the 92d section is in the Act, you can be compelled to take Lord Conyngham's house?—Yes.

597. When you came to sell that there would be a loss of 10 per cent.?—Yes.

598. Besides 2,000*l.* for the tenant's removal?—My estimate will meet that contingency, because I have given 3,000*l.* I cannot say that 3,000*l.* is what the loss would be, whether determined by a jury or an arbitrator, but I think that is sufficient to cover the Marquis's claim.

599. He at present holds his stables opposite?—That I did not know.

600. That affords, in the present position of Hamilton-place, uninterrupted access to his stables?—Yes.

601. This new street will have a great deal of traffic in it?—Yes.

602. Would not the access to his stables be injured and almost practically destroyed?—I cannot assent to that proposition; it would not be so quite as it is now, nor the access so easy; to some extent it would be injured.

603. Were you here when it was stated, what takes place every time the Duke of Cambridge's phaeton comes out into Park-lane?—Yes, it is very bad.

604. Will not the same objection, and the same thing take place every time the Marquis of Conyngham's carriage comes out?—I think that that part of Hamilton-place into which the gateway of the stables opens, is much wider than that part of Park-lane into which access is given from the Duke of Cambridge's.

605. In a degree?—Yes.

606. I am told there is only a difference of one foot?—There is a difference of between 27 feet and 45 ft. 4 in.

607. Is that so?—Yes; he enters or comes out there or here (*pointing to it on the map*); where he comes out into Park-lane it is 31 feet wide, and the other is 27; where the carriages come out of Hamilton-mews into Hamilton-place, the whole width is 45 ft. 4 in., therefore there is a material difference between the two.

608. £. 7,500 you give for No. 26?—Yes.

609. That is solely by the reason of the garden being taken away?—It is a very savage interference with the mansion and the garden; the garden is a very agreeable circumstance in connection with a house.

610. But you are not going to touch the house?—No, but I think there not only the garden is taken away but the house is injured commercially; it would let for less rent.

611. By reason of the garden being taken away?—By reason of the garden being taken away.

612. That is the only reason?—Yes.

613. Otherwise you would allow the same sum for No. 7?—That is not touched at all; I do not allow anything; no part of the doman is taken.

614. Then it is taking the garden of No. 6?—And diminishing thereby the value of the house.

615. By the loss of the garden?—Yes.

616. Not by reason of the noise?—No.

Re-examined by Mr. *Phinn*.

617. If you touch a man's house, and bring a noise to it which was not there before, my friend suggests that you ought to make an allowance for the noise?—I understood that the consequential damage was not to be taken into consideration with regard to houses that are not touched.

618. This is touched?—Then I should correct that answer; I say that that house would be diminished in value from all causes, commercially, to the extent of 7,500 *l.*

619. You say that you do not like to see special legislation; are you aware that clauses of that kind are in the City Acts?—Yes.

620. Practically, here would it make much difference whether we are compelled to take the whole and sustain the damage of a re-sale, or had to pay the depreciation, and the owner kept the house?—No.

621. Have you ever seen the machinery worked?—That particular clause.

622. Yes?—No, I do not think it is very much worked; in the cases I have had they have been very infrequent; generally the property is bought out; occasionally arrangements are made with large factories, such as distilleries, and so on.

623. I suppose it is the power of making that kind of an arrangement, not the making of the arrangement itself, to be enable to say to a man, "you shall not thrust that on me"?—Yes.

624. It prevents that sort of screw being put on?—Yes.

625. My learned friend suggested a scheme, which I did not examine you upon, by which you were to take down those two houses; supposing the houses are taken away or done away with, what would the two fetch?—The whole cost of the improvement would be 39,500 *l.*

626. You attribute 26,000 *l.* more, that is, 33,000 *l.*, to the value of these houses?—Yes, the details of that valuation would be, first, 3,000 *l.*, as I have mentioned before, for the Marquis of Conyngham's house, then 25,500 *l.* for No. 6, then 22,500 *l.* for No. 7, and 22,500 *l.* for the land belonging to the Dean and Chapter of Westminster, making altogether the total cost of acquiring this property 53,500 *l.*; then there would be the return of the land, as building land, which would be left, the sites of those houses.

627. We should only take enough for our purposes, and you might build two houses of more moderate dimensions?—Yes, you would only have to put them back to the extent which they now project into the public street.

628. You cut off the front wall?—I should take down the houses and put other houses in their place: you would have to take credit for that land; the whole cost of acquiring the property necessary for that alteration would be 53,500 *l.*, and the return for the land would be 14,000 *l.*, leaving the net cost 39,500 *l.*

629. Your estimate is this; the scheme, as you broached it originally, without taking those houses, is 13,000 *l.*?—Yes.

630. The alternative scheme suggested by my friend, which is involved in taking those houses, and then taking credit for the re-sale of land so as to build two more houses, is 39,500 *l.*?—Yes.

631. And the cost of their estimate is 104,000 *l.*?—Yes.

632. By the *Committee.*] Do I understand you to say, that viewing the matter simply in a commercial point of view, taking, for instance, the house of Lord Dalkeith or the Duke of Sutherland, supposing there were a guarantee given to them that there never should be a thoroughfare through Hamilton-place, that the value of their property would not be greater than it will become if the scheme be carried out?—I think it is a question of personal feeling to themselves.

633. As a matter of market value?—As a matter of market value, I believe the houses will be just as valuable when the thoroughfare is made as in the *cul de sac*; I mean as valuable, commercially.

634. Would they get as much for it?—Yes. I do not say that it is worth as much to them in every respect, because they have gone there on account of the quiet.

635. May there not be other people who seek that sort of quiet retirement?—Yes.

636. And who would pay a large sum in order to obtain it?—With the fact that Park-lane has those large mansions, and the great price that is obtained for them, I have come to the conclusion that there are always plenty of persons to give the full outside price for these houses when it is a thoroughfare. If I found that the value of the houses in Grosvenor-place or Piccadilly or Park-lane had diminished by the great increase of traffic in those places, then I should not have formed such a conclusion.

637. Is it quite a parallel case, because, take the instances that you refer to, take Grosvenor-place or Piccadilly, where there has always been a large amount of traffic, it has been increased; in Hamilton-place there has been none at all; in the one case it is between nothing and a great deal, and in the other it is between more and less?—There is a difference to the person who occupies the house, but if he left it I could get as much for it after the alteration as before.

638. Mr. *Phinn.*] Supposing there is no covenant

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venant in the lease, and nothing binding in the Crown in a court of equity, a solicitor would not advise his client to give an increased price for a privacy that is not practically secured?—I suppose not.

639. In Mr. Butler-Johnstone's house one of his best windows is here (*pointing to it*)?—Yes.

640. If the traffic is brought up Park-lane the enjoyment of all that side of the house will be nearly as much deteriorated as it is by ours?—Yes.

641. The point taken is not from here to Park-lane, but from this window, as a common point?—Yes.

Cross-examined by Mr. *Loch.*

642. The Right Honourable Chairman put a question to you that there was a special element of value in the houses at Hamilton-place?—No doubt, to a special number of persons.

643. A small element of value in our houses at Hamilton-place, attributable to its being understood by the owners that there would never be a thoroughfare?—Yes, I understand that in the affirmative; but I make the addition I did before to a certain class of persons who would prefer the quiet of this *cul de sac* to a thoroughfare.

644. The question that was addressed to you was as to the business point of view?—Yes.

645. Supposing the houses were thrown on the Park, having in their favour the great increase of value of all property in that part, plus the special value incident to their peculiar position, would not that give us the power of dealing with a larger number?—Yes, it would increase the number of persons who prefer a *cul de sac* to a thoroughfare; to that extent you would have a larger number, but if you wanted to get rid of a house, if it was uncomfortable by reason of a thoroughfare, you would get readily a customer for your house at the full outside price that could be obtained for it under any circumstances.

646. Would not the very speciality of that recommendation in many eyes be a motive to give an increase of value over the ordinary general value that exists in houses of that kind?—Yes, but there is so large a demand for houses in that neighbourhood that with or without the thoroughfare the full price would be got.

647. All the more eligible sites in the west-end of London are undergoing a great augmentation in the value?—Yes, none more so than this.

648. If we have the advantage of having the element of value, plus the general increase, why should we be deprived of it?—No doubt of it, you get a class of customers who will not come if it is opened.

[The Witness withdrew.

Mr. JOHN SHAW, sworn; Examined by Mr. *Phinn.*

Mr. *John Shaw.*

649. YOU are a Surveyor and Land Valuer?—Yes.

650. You have practised your profession for many years?—Yes.

651. Are you the surveyor to Christ's Hospital?—Yes, and to a great many other bodies.

652. And you have valued very often for railway companies?—Yes; and I have valued for the Thames Embankment and the Holborn Valley Improvement.

653. Have you heard the evidence that was given by Mr. Pownall?—Yes.

654. Do you concur in his conclusion, first, as to our projected scheme?—Yes.

655. And, secondly, as to the rival scheme?—Yes.

Cross-examined by Mr. *Loch.*

656. What is your view of the expense to be incurred in making this alteration as proposed by the Metropolitan Board of Works?—If the houses 6 and 7 are not taken down, 13,000 *l.* My valuation was made conjointly with Mr. Pownall; we met together, we looked at the property, and it has been done conjointly.

657. Take Lord Conyngham's house, if advising Lord Conyngham as his land agent, would you advise him that it is as equally valuable after the valuation as it was before?—I believe so, quite as valuable; but inasmuch as a portion of the property is taken, I have assumed that he would compel the promoters to take the whole.

658. In the meantime, dealing with it as compensation, do you know that it has been proposed not to compensate in money, but to add a piece of ground cut off from Mr. Munro's garden?—Yes; I have also given 3,000 *l.*

659. As direct compensation?—Yes; he might have a personal liking to the place and be put to expense in the removal; I do not believe the owner in fee would be at all affected by it.

660. Would not the owner in fee be affected if the houses were affected as places of residence?—No, I think they would be just as valuable. Lord Conyngham may choose to say I will not have a part of my property taken; he may have peculiar notions.

661. Are not those peculiar notions likely to be shared by all?—No, the commercial value would be as great.

662. You do not think that there is a special element of value over that of ordinary property?—They are quite as valuable with that street. I am not prepared to say whether they are not more. I should think that it is most desirable that the occupiers of those houses should have the means of passing north and south instead of turning out of Hamilton-place to go round about.

663. Many of the owners of these houses have the part of their premises in that mews on the opposite side of Hamilton-place?—Yes.

664. You also heard the evidence that was given by Sir Richard Mayne with reference to the direction of the traffic down Park-lane; it comes westward?—I have read it.

665. It is in the proportion of 17 to 1 in the west as compared to the east?—Yes.

666. Supposing that Hamilton-place is thrown open to the public, would not all the traffic which goes to the westward take the shortest road to the westward?—Most likely they would.

667. The much larger proportion?—It is a small proportion that goes east, in comparison to that which goes west.

668. The fact would be this, that supposing Hamilton-place were made the thoroughfare, in

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in place of Park-lane, we should transfer almost all, we may say all, the traffic of Park-lane to Hamilton-place?—I do not know; it may be the subject of police arrangement; there would be two roads instead of one.

669. Supposing all the traffic was to go that way, do you think that the street, of which the smallest part is 28 feet in the roadway, would be a convenient substitute for the present road?—I think so; I think there may be a little inconvenience in coming out; it is not so easy for carriages to drive out of Hamilton-place.

670. Here is Lord Eldon's house at the corner, who is one of the petitioners; you know that the gateway opening here is just at the corner; in your opinion, if the stream of traffic passing down Hamilton-place shall turn to the westward for the purpose of going down here, it would not interfere materially with the access to these houses, Lord Eldon's, and the others on this terrace; Lord Eldon's is the corner house?—I think not, not more than any other corner house.

671. You are speaking now of one of the largest traffics in London?—It would interfere with it.

[The Witness withdrew.

Mr. Frederick Chinnock, sworn; Examined by Mr. *Phinn.*

Mr. *F. Chinnock.*

672. You are the senior partner in the firm of Chinnock, Galsworthy & Chinnock?—I am.

673. You have carried on your business as a land and house agent and auctioneer and valuer for many years?—The last 30 years.

674. And have had dealings with all kinds and classes and sizes of houses in London?—I have had my fair share, I think, particularly in London.

675. You have heard the valuation given by Mr. Pownall, the alternative valuation, according to whether we take Nos. 6 and 7, or not, or without taking them and the proposed improvement?—Yes.

676. Do you concur?—I approximate so closely, that it is, in fact, a concurrence.

677. Is yours an independent valuation?—Quite so.

678. Supposing we do not take the two houses?—Supposing you do not take the two houses, my opinion is that 10,000 *l.* will be sufficient as the estimate for making the opening through Hamilton-place.

679. You take the additional land given to Lord Conyngham as an equivalent for the injury occasioned?—Yes.

680. Do you differ in that from Mr. Pownall, who gives him 3,000 *l.* more?—I do, certainly.

681. Now, supposing you take the two houses, Nos. 6 and 7?—I have not computed that at all; the alternative plan I was not requested to do.

682. As to Piccadilly and the widening of Park-lane?—My estimate of the value of widening of that property is that it would cost 103,110 *l.*

683. In that you have computed, I think, no compensation to Lord Cadogan, and none to Mr. Butler-Johnstone?—No.

[The Witness withdrew.

Mr. Charles Lee, sworn; Examined by Mr. *Loch.*

Mr. *Charles Lee.*

684. You are a Surveyor?—I am.

685. And you have had considerable experience in valuing properties in London?—I have.

686. And all round London?—Yes.

687. Do you know this particular part of the town very well?—Yes; I am the assessor of St. George's, Hanover-square, and St. James's, Westminster, so that I know every house in both parishes.

688. Is Hamilton-place situated in St. George's, Hanover-square?—Yes.

689. Have you given your attention to this particular question?—Yes, for some time past.

690. You have been going over the property in Hamilton-place to estimate the value?—Yes; and I have watched the traffic in Park-lane; and I have given considerable attention to the question of communication between Oxford-street and Piccadilly for some time.

691. Will you state the work as proposed by the promoters?—The new road. I agree with the widths given, first of all, by Mr. Vulliamy, 33 feet in the clear, and 28 ft. 4 in., and so forth. I object very much to the roadway through Hamilton-place, for the reason that it will never accommodate half the traffic that goes down Park-lane.

692. That is your objection to it on public grounds?—Yes, as near as possible, I have found 96 per cent. of the traffic down Park-lane to go westward. I have been there, and stopped there, and watched it for some time; out of that the major part do not go down opposite, but keep on to Knightsbridge and Brompton; out of that more than half do not go down Grosvenor-place; there is no communication until we arrive at Kensington. During the day carriages can go up the Palace Gardens, at night they cannot; and there is more than half continues on towards Brompton and Knightsbridge. Then the narrowest portion of this, as shown by that plan, which is correct, is 28 ft. 4 in. There is hardly an afternoon, if you go there from two to three o'clock during the season, when there is the greatest amount of traffic, but what there are carriages standing at those doors, ladies going out paying their morning visits, that leaves only room for two carriages to pass, therefore I object to it on that account, that it will not answer the purpose intended. Again, they have put on one line of three-horse omnibuses down there, one line of two-horse omnibuses, and they are going to put on another line of three-horse omnibuses down there.

693. Will those omnibuses go to the east or to the west?—They go down to Victoria Station, and up to the Great Western Railway, and are going to the Great Northern and to the North Western; they go now to the North Western; the new line is going to the Great Northern; those omnibuses coming down this street close to the houses with only the area and a 6 feet path between

Mr. *Charles Lee.*

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between, will do an incalculable amount of injury to them. Then there is another difficulty; the fall of Hamilton-place is very considerable; from the upper part to the lower part it is 5 ft., according to the Board of Works own section. Their section gives at the end of Hamilton-place a fall of 10¾ ft. in the length of Hamilton-place; I say it is 1 in 36 according to their own section; carriages coming this way down Hamilton-place must go to the off side of the road, and cut off the traffic in that way at such a pace that they will hardly be able to stop themselves.

694. Heavily laden waggons or omnibuses that descent will be very awkward for?—Yes; then to get into the terrace by this gate it will be quite impossible; that gate goes into the terrace houses.

695. Supposing a carriage were standing at Lord Eldon's house on that descent?—A three-horse omnibus could not stop itself, if it was heavily laden; then above that, the upper part, from the top of Hamilton-place to Park-lane, that is, a length of 380 ft., that is 1 in 106; it has a fall of 4 ft. 12 in., descending from the end of Park-lane to the top of Hamilton-place, but from the top of Hamilton-place the steepness increases, that is, 1 in 106.

696. Your objection to it in a public point of view, is, that its gradients are so bad as to make it inconvenient in that respect?—Yes; I understood originally that they intended to alter their gradients, and that is why they took the 5 ft. power, only in so doing they would cut into the cellars of the houses.

697. And they gave that up before the referees?—Yes.

698. Then as to Park-lane?—As to Park-lane, I made a plan taking down the left side of Park-lane, but then I intended continuing that width up Park-lane as well, not stopping at that upper part, but still continuing, so that I get 62 ft., increasing that width above.

699. Moving back the railing in the Park?—Yes, and a plan of that was made; I am showing the plan, showing the widening all up Park-lane.

700. Could we not show it on the plan that is on the wall?—No, it is a very long plan.

701. By Mr. *Phinn.*] How far do you carry that plan?—All the way right up into Oxford-street; it is only setting back the railing of the Park, then they would get a 60 ft. road all through.

702. Mr. *Locke.*] This is what, if a great improvement would be effected, ought to be done?—Yes.

703. Throwing back the railing and making a wide street up Park-lane?—Yes, the least width being 60 ft.

704. Confining yourself to what was proposed as regards the southern part of Park-lane, how far do you propose in the plan first submitted?—As far as the lodge, from Stanhope-gate.

705. What is the cost of making that improvement; begin at Stanhope-gate; does that indicate a footpath along there?—Yes.

706. Did you make any alteration in the width of the street at Park-lane?—In my plan; that is not my plan; in my plan I have increased the with to 62 ft., up as far as Great Stanhope-street.

707. You carry the railing up to the edge of the lodge there?—Yes.

708. And bring it down parallel to the railing and along in this direction?—Yes.

709. Is that Crown property?—That belongs to the Park.

710. To the Crown?—Yes.

711. Have you computed in your estimate anything to be paid to the Crown for that?—Yes.

712. What do you estimate that at?—First of all I take the 4,720 ft. superficial of freehold land facing Park-lane. 4,720 *l.*; that is the Dean and Chapter's land; it is from that point down to Mr. Bulwer's house.

713. It is from this point?—We are starting now from the Dean and Chapter. My report is printed, and it will cause some confusion if I do not take it in my own way; 4,720 ft., taken from there down to there (*pointing to it*), that is Dean and Chapter land, and that I put at 4,720 *l.*; I have taken 11,340 ft. superficial of Crown land, that is from there down to here, that I take at 3,780 *l.*

714. And on what principle do you value that?—I take that, not as building land but as accommodation land, 6 *s.* 8 *d.* a foot; the other, 1 *l.* a foot, as building land. Then I take Gloucester House, Piccadilly, the residence of the Duke of Cambridge, from there to there, and I put that down at 30,000 *l.* Now that is, I think, of any nobleman's house in London the most inconvenient and the worst; I speak that advisedly, for I think I know every nobleman's house in London almost; I have got a plan of it here.

715. Do you speak of the house itself?—Yes; it was two years to be let. His Royal Highness found that he could not let it, and then he sent to work and repaired it, and lived in it; the house is rated in the parish books at 1,000 *l.* a year, that is what I have rated it at.

716. Have you given to the Committee the data on which you computed your value at 30,000 *l.*?—I take it at 1,500 *l.* a year, at 20 years' purchase.

717. You are aware of the arrangement that has lately been made by the Duke for the renewal of his lease?—Yes, it was with Sir Robert Sutton's estate; the Sutton estate have the 40 years' lease; it was of the Dean and Chapter that the Duke took his renewal at 4,500 *l.*, that, at the 5 per cent. table, gives 900 *l.* a year, and the 150 *l.* which he pays brings that house to 1,050 *l.* a year.

718. You are aware that in renewing his lease he has still an unexpired term?—Nineteen years and a half.

719. Therefore he had still 19 years to remain, and renewed it with an additional number of years?—Yes; I only take it at five years' purchase, a difference between 19 years' purchase and 40.

720. Is it your opinion that 30,000 *l.* is a full value for the fee of that house?—I do; I am only speaking of the fee, I do not take the sum to be given for going out.

721. And you leave the ground landlord and the tenant to settle together as to the 30,000 *l.*?—Yes; then the next is Mr. Hales, the coach-maker, which is the next piece from there to there; he has lately taken a fresh lease; I put down for that 4,000 *l.*; I know what he pays.

722. For how long a period has he renewed his lease?—Twenty-one years.

723. Of whom?—Of the Sutton estate; the Sutton estate has got all that from the Dean and Chapter.

724. What does he pay?—£. 150 a year.

725. By

725. By Mr. *Phinn.*] How do you know this; have you seen his lease?—No.

726. Mr. *Locke.*] Then the private house?—Then the private house I put down at 1,600 *l.* a year; then two houses, and the stable-yard of Mr. Brown, that is the next one; there are two small houses here, 3,000 *l.* I put that down at.

727. By the *Committee.*] The whole of Mr. Brown's?—£. 3,000, and the corner house I put down at 10,000 *l.*

728. Mr. *Locke.*] Is that a good or a bad house?—The situation is very fair; but the house itself is a very bad one; it looks into the Park.

729. Have you disposed, in that way, of all the items which make up your price for widening Park-lane?—Not the works; it comes to 57,100 *l.*

730. What do you put the works at?—£. 1,896; there is very little difference there between Mr. Vulliamy's and my own.

731. That is a total of what?—£. 58,986; call it 59,000 *l.* in round figures.

732. Then for 59,000 *l.* what is width of the roadway you provide?—The average width is 80 feet, the average width of roadway would be about 73 feet; it is 73 feet at the commencement, 58 feet just facing His Royal Highness's stable-yard, I am speaking of the roadway; it is 73 feet at Brick-street, and 68 feet at Hertford-street.

733. Is that the narrowest part?—No, 65 feet is the narrowest, just at the upper corner.

734. You are speaking of the width between the kerb stones and the pavement?—Yes.

735. The actual carriage way?—Yes, leaving two six-feet footpaths.

736. What is the inclination of the gradient of Park-lane?—That is the same as the other, only the greater part of the fall is at the northern end of it; the lower end by the Duke of Cambridge is nearly level.

737. Where the stream of traffic would issue out of Piccadilly, the street is nearly level there?—Yes.

738. Have you anything more to say as to Park-lane?—No, I think not.

739. Now will you tell the Committee what is your view of the amount of expense of the other scheme of Hamilton-place?—The freehold land next Park-lane is 2,730 *l.*

740. You value that on the same principle?—Yes, and the Crown land at 6,577 *l.*; I have valued the Crown land in both cases supposing it to be paid for.

741. At 6 *s.* 8 *d.* a yard?—Yes; then I take the works at 2,015 *l.* Then I say that numbers 1, 2, 3, and 4 Hamilton-place will be depreciated at least 5,000 *l.* each; that is 20,000 *l.*

742. By the *Committee.*] Will you mention the names?—Numbers 1, 2, 3, and 4.

743. Mr. *Locke.*] No. 1 is Lord Eldon's?—Yes; No. 2 is the Duke of Sutherland's; No. 3 is the Duke of Buccleuch's; 4 is Mrs. Hall's.

744. You estimate that deterioration with reference to those peculiar advantages which Hamilton-place has now from being a *cul-de-sac*?—Yes, and which I knew was the inducement for large sums of money being given for the houses.

745. Have you a doubt that, putting out of account the general increase of value as to houses in this part of the town, there is a special and considerable value attaching to this circumstance in Hamilton-place?—Yes.

746. And that will be taken from the owners in the event of the improvement being made?—Yes; it is not like an ordinary street, where a large amount of traffic is brought into it, and where the premises are used for the purposes of trade; but this has been a secluded spot with a beautiful look-out and yet close to a leading thoroughfare, with all the convenience of a leading thoroughfare, but no inconvenience from traffic.

747. The property in Hamilton-place will not be so valuable under the new state of circumstances?—That is my opinion.

748. Now Lord Conyngham's?—Lord Conyngham's, I put the depreciation at 8,000 *l.*

749. It has been proposed to give Lord Conyngham that little three-cornered bit of land that is taken from Mr. Butler-Johnstone's garden?—Lord Conyngham would not give a farthing for that; what use would that little bit be to him? I know what his own feelings are on the subject. No. 6, I have put down at 8,000 *l.*, but I supposed they were going to purchase it, but as they are not going to purchase it I put that at 6,000 *l.*; No. 7, I thought there also, from the limits of deviation, they were going to purchase that; I put that at 7,000 *l.*, but for the same reason I have reduced it to 5,000 *l.* as they do not purchase it, and 140, Piccadilly will be depreciated 5,000 *l.*

750. Sir Edward Kerrison's?—Yes, that makes a total of 55,322 *l.*; now you will see in either case I have not included the valuation of outgoing, because each of these, if they were turned out, would be paid a couple of thousand pounds.

751. Have you anything to add to your evidence as to Hamilton-place?—No, I think nothing further than the inconvenience in respect to the access to those stables, but I was going to make an observation about this; in Lord Eldon's house, and Sir Edward Kerrison's house, it has been said that they have got the thoroughfare in Piccadilly; that is true, but they have got this Hamilton-place as a quiet retreat, also Mr. Farrer's; we shall have not a quiet room in the house when the thoroughfare is brought down there.

Cross-examined by Mr. *Phinn.*

752. You differ from Mr. Pownall, Mr. Shaw, and the others?—Yes.

753. Have you ever valued for land taken compulsorily?—Yes, I dare say I have from three to four hundred cases every year.

754. For railways?—Yes, and other companies; I suppose about half that number being for companies and half for claimants.

755. We will take your scheme, because yours is the more ambitious one; I will not take it up to Oxford-street, because we have not got the consent of the Crown?—No, it might be obtained.

756. Nor Mr. Cooper's consent for his flower beds?—No.

757. In the first place, you valued 4,720 feet superficial freehold land facing Park-lane, at 20 *s.* a foot?—Yes.

758. The Crown land you value only at 6 *s.* 8 *d.* a foot?—One-third.

759. If one is building land, why is not the other?—Because the Crown cannot allow it to be built on.

760. Do not you know that that land which you value in our land as building land, there is a deer-leap 14 feet, belonging to the Crown, which you could reduce to so narrow a width that you could hardly make it available?—It is sold with that top house.

761. You valued the other land on the assumption

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tion that the Crown would not permit building? —I have not taken it as building land.

762. When you come to their land they would not build on it?—I show what they have done; it went through that garden belonging to the top house, and that the Crown has sold.

763. On condition that it should not be built on, do not they maintain an actual access to these gardens through that very garden?—No.

764. Is not there an access into those gardens through Lady Londonderry's house?—Yes, there is a gate and there are keys to it.

765. And you assume that the Crown will give up that footpath?—I do not believe it belongs to the Crown.

766. How is it that we have a key?—I do not know.

767. There is a footpath?—Yes.

768. That would be an impediment to your calculation, that it is to be maintained as building land?—In both schemes I have taken that as building land, 20*s.* a foot.

769. Now come to the Duke of Cambridge's house; you value that at 1,050*l.* a year?—No, 1,500*l.* a year. I say that he renewed on a rental of 1,050*l.* a year; I get at that by taking the difference between a leasehold interest having 19½ years to run, and a leasehold interest of 40 years, that gives five years' purchase, and five years' purchase on 900*l.* is 4,500*l.*

770. Is it not a demolition of your theory that Mr. Pownall stated that it is, to his knowledge, valued at 1,800*l.* a year and 3 years' purchase?—All that I heard Mr. Pownall say, I think he is mistaken in, because he said it was done by the Dean and Chapter; we heard his Royal Highness say it was Sir Robert Sutton's estate.

771. It is 40 years minus what it had to run?—It was made up to the term that the Sutton estate had in it.

772. Assuming it to be worth 1,800*l.* a year, you say it is the worst nobleman's house in London?—I should like you to go over it, and I think you would join with me in that opinion.

773. You have not lived in it?—No.

774. His Royal Highness has?—Yes; I heard him say it suited his purpose very well.

775. Did you hear him say he could not find so convenient a house anywhere?—Yes.

776. And you oppose your opinion to that of his Royal Highness?—So far as its being a convenient house is concerned, I can oppose it, because I know almost all the noblemen's houses in London.

777. You oppose your opinion to that of the actual inhabitant of the house?—I am afraid I must in that case; it is evident I had done so before, or else I should not have allowed it to be rated at a 1,000*l.* a year. I think I am right.

778. Do you know that it stands on a quarter of an acre of ground?—Very possibly; I have got a plan of it, and I can tell you.

779. Supposing the house was down, and that quarter an acre of ground was to be built on, how should you value that?—I value it at about 50,000*l.* or 60,000*l.* an acre.

780. That would give us 15,000*l.* for the value of the piece of land?—It may be worth more without the bricks and mortar on it than with; I dare say this would be worth more.

781. You think it worth more without a house upon it?—Very likely.

782. The house is such a wretched thing that it is an incumbrance on the land?—It is so.

783. The house, in fact, is better away, and his Royal Highness is mistaken in his view?—I think if that property were pulled down, and supposing it were not thrown into the lane, as shops, that ground would be worth more for that purpose than a large house for a nobleman.

784. You take 20 years' purchase; do you take anything for compulsory sale?—No; I include that in it.

785. In the 20 years' purchase?—Yes.

786. Now tell me this: 20 years' purchase on the rack rental of a house, is that a fair valuation when you have a compulsory sale?—Very often it is, and very often it is not.

787. In any case where the house is taken compulsorily, do you know such an instance?—Yes; I have put it at 18 and 16 years; I have sometimes known a jury give more than I asked, and sometimes they have given less.

788. Is it not usual for surveyors to put a house taken compulsorily at 30 years' purchase?—No.

789. Have you not given evidence yourself, over and over again, to that effect?—Never; and I never heard a surveyor well acquainted with the matter that ever did; they will put a ground-rent of 30 years' purchase, but it will never fetch it; but a rack rental arising out of bricks and mortar and land, I say never.

790. With compulsory purchase?—With compulsory purchase.

791. Supposing you were to value as between the parties by agreement, how many years' purchase would you put?—That would depend on how the agreement is worded.

792. How many years' purchase would you put on a house?—I should have to hear both sides of the question when I have to judge between the parties.

793. What do you add for compulsory purchase?—From five per cent. up to 20 sometimes.

794. How is that represented in years' purchase?—We do not do it by years' purchase, but by per-centage.

795. What have you given the Duke of Cambridge for compulsory purchase?—Nothing, because I have not allowed him anything for going out of the house, nor have I as to the houses in Hamilton-place. I have adopted the same system. I have used 20 years' purchase in both places. If the houses in Hamilton-place had to be taken there must be 10 per cent. on that, and the 2,000*l.* or 3,000*l.* paid to each for going out. I have not done that, neither have I in Park-lane.

796. Here you propose to take the houses, there you do not; and you have added nothing for compulsory purchase?—No.

797. Is not that an element in any of your calculations of these blocks of houses?—I have not put it in any way.

798. Now, as to the coachbuilder and the other tradesmen in Park-lane, have you taken anything for compulsory sale and goodwill?—No.

799. Trade is another element; that is, a different element; a man has to move his trade and also his connection?—That does not follow; he may get a house opposite, and he may be much better off.

800. You have taken nothing for that?—No.

801. You propose to take down the Duke of Cambridge's house. Now, do you give Lord Cadogan any compensation?—No.

802. Why do not you give him compensation for bringing the traffic close to him, when you give compensation to the people in Hamilton-place?—

place?—Because there is a much wider street, and there will not be that interruption caused by the thoroughfare that there must be in Hamilton-place.

803. Lord Cadogan's representatives will have the noise on both sides of them?—He will not feel it much, because he will have a flank wall 50 or 60 feet high.

804. You have taken 5,000 *l.* a-piece for the houses that are not touched?—Yes.

805. Five thousand pounds for Sir Edward Kerrison's?—Yes.

806. So that those who have got no noise at all, according to your calculation, and those who have it one side, are both in the same category?—I put it so; they say they are in a worse position because they will have no quiet.

807. Have you valued these houses that are not touched, looking with their backs to the Park, as in houses with those bits of garden given by their lease, or having the additional amenity of this privileged garden?—I do not think that is of consequence further than it keeps any noise of the Park off from them.

808. Would the houses be as valuable without that garden as with it?—No, I must not go quite so far as that, because they have the opportunity of getting readily in and walking in private. Others may also do it by paying a guinea a year for a key.

809. It is three guineas?—Well, whatever the amount is.

810. Might not the Crown withdraw that?—Yes.

811. And throw the garden into the Park?—Yes.

812. So that if they suffer from the public on the one hand they gain a great deal on the other?—Not a great deal; they have gardens now at the back belonging to them.

813. Now, as to Lord Conyngham; we give him 1,000 feet additional space in return for 20 feet taken from him. You do not value that at anything?—No.

814. If that house were taken into the market with a thousand feet additional garden space, would not that raise the value of it?—Do you mean, if all things are the same as at present?

815. Yes?—Then I say, yes.

816. Then, supposing it were taken into the market without that additional space given, and the road running by?—I do not think it would make any difference.

817. Suppose an auctioneer said, "We are going to throw a thousand feet into the garden," would not that enhance the value of the house?—No; what would be the use of it, being overlooked by the public.

818. Did you never see anybody walking in Lord Westminster's garden, from the top of an omnibus?—I do not think I have been more than twice or thrice in my life on the top of an omnibus.

819. As to Mr. Holford's house, are those grounds that surround it no addition to his house?—They are very much exposed; I never saw anyone walking in his gardens.

820. If they are an addition to the value of the house in that exposed place, would not a larger garden be an addition to the value of the house in Lord Conyngham's?—No; because the garden at Mr. Holford's keeps the public further off from the house; that is the difference.

821. He may carry up the wall as high as he likes?—I should think the Crown would not let him, because the other houses opposite interrupt him.

822. Is it high enough to prevent foot passengers?—Yes, 5 or 6 ft. high; the present inclosure is about 6 ft. high, I think.

823. You have given evidence about gradients in this projected improvement, what would your corresponding gradient in Park-lane be?—That would be the same fall from the same point, but extended over a longer length, and therefore the gradient would be less: yours culminates from the end of Hamilton-place.

Re-examined by Mr. *Burke.*

824. Irrespective of anything else, the Park-lane Improvement would impose less labour on the traffic going up hill than Hamilton-place?—Yes, it is not so much the going up as the coming down; the danger of the heavily laden omnibuses and waggons coming down Piccadilly sharp on the great thoroughfare.

825. And a heavy waggon likes to have a slight ascent?—It would rather be without an ascent at all.

826. As to Lord Conyngham's gardens, the great object of the garden is rather for air and space and quiet than for walking?—Yes, and to keep them as private as possible.

827. To have a cheerful aspect?—Yes.

828. Now as to the Crown taking away the garden, there is no anticipation of that?—I should not think that at all likely; it is possible.

829. The Crown has not done so?—No.

830. As to compensation to Lord Cadogan, his house is exposed to the noise of the thoroughfare in Piccadilly?—Yes, that house would have no opening into Park-lane. It has a flank wall 50 or 60 ft. high, and the road against it would be 80 ft. wide.

831. As to the 20 years' purchase, my learned friend infers that in all compulsory purchases more than 20 years is allowed; that is in cases of land?—And in other cases; supposing in the case of a house, that house had a ground-rent that might be taken on the 4 per cent. table, 500 years' purchase; but we are speaking of a rack rent. No one would give more than 20 years, unless there is an object.

832. In the case of a rack rent you would deal differently with land from the way in which you would deal with a house?—It is not that only; it is that land gradually increases in value in all cases, whereas houses decay; the bricks and mortar become old, and ultimately it has to be pulled down. If that were a new house, supposing it had been erected the year before last, I should give a larger number of years' purchase for it.

833. You have allowed no sum for compensation to his Royal Highness for removal, nor in Hamilton-place?—No; I am taking the value of property as against property; I thought it would be about the same.

834. It is not with a view to give a preference to your scheme over the other?—No; I have used the same price for the land, and the same number of years' purchase, and left out in both cases the compulsory sale or the sum of money to be paid to the tenants.

Mr. Frederick Ouvry, sworn; Examined by Mr. *Wilkinson.*

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835. You are Solicitor to His Royal Highness the Duke of Cambrige?—I am.

836. You produce the lease under which His Royal Highness now holds Gloucester House?—I do.

837. Will you state to the Committee the term, the rent, and the premium paid for that lease?—The date of the lease is the 27th of October 1858, and it is for a term of 39 years from Lady Day 1858, at a rental of 150 *l.* per annum.

838. Do you also produce the lease which was surrendered?—I have a copy of it. The fine paid was 4,595 *l.* 19*s.*

839. Do you produce a copy of the lease which was surrendered, and state what term of that lease has to run?—The lease that was surrendered is dated the 6th of June 1839, granted by Sir Robert Sutton to the Duchess of Gloucester for 39 years, from the 29th of September 1838, therefore at Lady Day 1858 19½ years were unexpired. I should mention also to the Committee that, under the deed of covenant of the 27th January, 1821, between Sir Robert Sutton and the Duke of Gloucester, if Sir Robert Sutton's trustees renew their lease from the Dean and Chapter of Westminster, they are also bound to renew the lease to the Duke of Cambridge down to the year 1919, so that the Duke has a contingent right of renewal beyond his present term.

[The Witness withdrew.

Mr. Thomas Cundy, sworn; Examined by Mr. *Burke.*

Mr. *T. Cundy,*

840. You are an Architect and Surveyor?—I am.

841. Have you been long in practice?—Yes, several years.

842. Have you had the superintendence of all the arrangements connected with the buildings on the Grosvenor estate?—Yes.

843. And have you made a careful survey of the plan deposited by the Metropolitan Board of Works?—Yes.

844. And you have also examined the plan prepared by Mr. Lee for widening Park-lane?—Yes.

845 And have you estimated the cost of either scheme?—Yes.

846. What would be the width of the road proposed by Mr. Lee?—I will take the figures that were quoted this morning as being correct.

847. In your judgment, do you think that the scheme proposed by the Metropolitan Board of Works is one which would meet adequately the public requirements?—No; I should think it would be very inadequate.

848. Supposing you had to consider, without reference to the rights of the parties in the place; supposing you had to consider the best means of facilitating the traffic and its access to and from Piccadilly, which line would you take, the course proposed by Mr. Lee, or that proposed by the Metropolitan Board of Works?—I should undoubtedly decide on taking one line of route rather than the two; either of which I think would be very inadequate for the purpose, especially since I have heard the evidence as to diverting the greatest part of the traffic down Hamilton-place. I think that is a very material fact, and has not entered into consideration before.

849. The traffic has been increasing very much within the last few years from the Great Western Railway district down to what I may term the Victoria district?—Yes.

850. And there is an absolute necessity for some improvement in the access?—I should say undoubtedly so. It has been a material point in dealing with the new lines of roads through Pimlico.

851. Considering the width of the thoroughfare proposed by the Metropolitan Board, do you think that would adequately accommodate the traffic, leaving Park-lane as it is?—I think certainly not, after the evidence that has been given as to the amount of traffic to be diverted; it would be very inadequate.

852. Unless Park-lane be widened in its narrow part, supposing Hamilton-place is opened, there may occur constant stoppages in Park-lane?—Blocks must occur at all times in narrow streets.

853. That is, supposing you open Hamilton-place?—Yes; you might have balks of timber or other sort of goods' vans coming down, which would take up the best part of the road.

854. Supposing you widened Park-lane to a considerable extent, 80 feet, that would practically prevent the recurrence of those blocks?—Yes; and the upper part of the road does not appear to me to have any obstruction on one side except opposite the entrance-gates of the Park. In the Park-lane route there are houses on both sides, which makes a material difference.

855. Have you formed an opinion as to the effect on the houses by the new road through Hamilton-place?—I should have no doubt that the occupants of the houses would be seriously inconvenienced, both personally and their friends setting down at their houses, and in passing to and fro to their stables, and at all times when there are parties, or when they had a great crowd of carriages, which will occur with houses of that sort; where they are to go, I do not see.

856. In residences of that kind it constantly happens that carriages are standing at the door?—Certainly.

857. So far it would be an obstruction to the stream of traffic coming down through Hamilton-place?—Carriages on the narrower path would leave very little space.

858. Would the width of Hamilton-place made by the Board of Works be at all adequate to the accommodation of a large traffic?—I should think it would be very inadequate; I have always thought 40 feet as the minimum.

859. Have you gone into the estimates of the money as to the two schemes?—Yes; I put the land in one item; I have the details. As against Mr. Lee's 9,660 *l.* there is a little discrepancy as to the quantity of the Crown land and the other taken from the scales; the works 2,089 *l.*; this is the Hamilton-place plan.

860. Have you considered that the occupiers of houses in Hamilton-place are entitled to compensation for deterioration of their property?—First of

of all I have taken the three houses, Nos. 7, 6, 5, as scheduled in depreciation respectively, 6,000*l.*, 6,000 *l.*, and 9,000 *l.*; that is 6,000 *l.* for No. 7, 6,000 *l.* for No. 6, and 9,000 *l.* for No. 5, Lord Conyngham's, and their compensation for removal at 5,200 *l.*; that is one year's purchase, and something for planned furniture, and so on; that is 26,200 *l.* Then I have taken the others as not scheduled, No. 4, Hamilton-place, 6,000 *l.*; No. 3, 4,000 *l.*; No. 2, 4,000 *l*; No. 1, 5,000 *l.*; No. 140, Piccadilly, 3,000 *l.*, making a total of 22,000 *l.*; that would be 59,949 *l.*

861. Have you been engaged in valuations where property has been taken under compulsion?—Yes.

862. In your judgment, would the owners of property in this locality be fairly entitled to compensation for injury and deterioration to their property?—If they can establish themselves before the proper tribunal, they will be entitled to these compensations.

863. Do you believe that the property would be deteriorated in value?—I entertain a very strong opinion about it. I think that that class of property which maintains its excessive value alone owing to special circumstances, such as the Park situation, the Park views, and under those circumstances its privacy from the high road off a main highway,—I think it is a class of property which would be really materially depreciated by an interference of this kind.

864. You would think it an injustice to force this thoroughfare through that private street without considering the amount of compensation to be made?—I cannot think it is right to take those who have purchased their property subject to certain circumstances, and entirely annihilate their beneficial interest in it, or to a great extent annihilate it, because they give exaggerated values for these properties.

865. Have you put the lowest sum which you think they are entitled to claim?—I should advise them to claim compensation at those amounts.

866. What is the total value for the formation of the Hamilton-place scheme?—£. 59,949.

867. Have you gone into the estimate of Mr. Lee's plan for widening Park-lane?—Yes.

868. What is your estimate of that; as to the land, what is that?—I have taken that at 9,080 *l.*

869. And the works?—£. 948, because I have given credit for the old materials.

870. What have you allowed for Gloucester House?—£. 31,000, and compensation afterwards.

871. And the coach factory?—£. 42,000.

872. And then the private house?—£. 2,000.

873. And the corn dealer's?—£. 3,000.

874. Then another private house?—£. 10,000.

875. The next, 6,200 *l.*?—That is a total of 66,428 *l.* altogether.

876. You have not taken credit for this; suppose you were to widen Park-lane to the extent stated, would not the property on the east side of Park-lane be increased in value?—Undoubtedly.

877. Let us suppose a Bill were brought in to make a new street down Park-lane, taking the property on the east and west sides, you would assign 66,000 *l.* for the west side; would you be able to recoup a large sum by selling the land on the east side at an increased value?—If we took down the houses.

878. Yes?—I have not gone into that; they would have the advantage of the look-out on the wide street, unless compulsory powers are taken to include them.

879. Property on the side of a fine wide thoroughfare would be of greater value than property in a thoroughfare obstructed as Park-lane now is?—Yes.

Cross-examined by Mr. *Wilkinson.*

880. As to the improvement of the east side, you have not calculated that accurately?—I did not go into it at all.

881. It formed no part of Mr. Lee's estimate?—No.

882. Have you had any experience as to the advantage and the profit to be derived from pulling down the existing site of the old street and rebuilding it?—If you can put a larger and more valuable class of property upon it, it is a question of calculation.

883. I ask, have you had any experience in that?—We pull down a good deal of property that we are engaged on, and rebuild a great deal.

884. What property?—On the Marquess of Westminster's estate.

885. In a great thoroughfare?—All the thoroughfares; we are pulling down when the houses run out of lease.

886. Have you been at all concerned as surveyor for a thoroughfare in character like that of Park-lane; in the improvement of a thoroughfare like that?—We are pulling down a great deal through Pimlico.

887. That is not an answer?—That is the only way I can answer it. I have not been engaged in the opening up of Cannon-street or those sort of highways.

888. Have you had much experience in compensation cases?—Yes.

889. Have you been concerned in the compensation cases with regard to the metropolitan improvements?—To which do you allude?

890. Any of the principal metropolitan improvements?—Not in those to which I referred just now.

891. In the value you have put on the houses in Park-lane, have you allowed anything for compulsory sale?—I have taken the rack rental values on 20 years' purchase, and then compensation for removal at one year's rental, and then something for planned furniture and so on.

892. Does the 20 years' purchase include anything for compulsory sale?—It does include it; I worked it out.

893. You follow the same principle as Mr. Lee did?—Yes, I worked it out to prove it.

894. You told my friend that to your knowledge very exaggerated values were given for these houses in Hamilton-place, in consequence of their privacy?—Yes.

895. Would it be a fair justification for asking for compensation?—Yes.

896. The exaggerated value would be a criterion for the compensation?—Yes.

897. I understood you to tell my friend that the prejudice that the Hamilton-place houses would suffer, would be the interference with their access to their stables. It is suggested that when parties are given, there would be great inconvenience?—Yes.

898. Supposing the Marquess of Conyngham and Mr. Butler-Johnstone gave a party, would there not be a still greater confusion?—That is

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one of the great features of the privacy of Hamilton-place, that there is a place where carriages may wait. Where it is adjoining a square, you have the whole square.

899. I am putting the case of parties being given at the opposite houses?—Then they can wait in the street.

900. They would have the additional space by opening up Hamilton-place?—We heard on Saturday, very clearly, that it would be thoroughly blocked all the afternoon.

901. You heard it stated that it would be blocked all the afternoon; did you hear Sir Richard Mayne give his evidence?—Yes.

902. Is he a competent judge of the best mode of facilitating the traffic in the metropolis?—I heard his evidence, and I should not like to repeat what I thought the weak points. I think that would be so blocked, that to attempt to allow private carriages to stand there would simply increase the evil.

903. Do you think that you, as a surveyor, are better qualified to express an opinion than Sir Richard Mayne on that?—I do not think he put it in that way.

904. Under any circumstances you would prefer one thoroughfare widened, in place of two as is proposed now?—Undoubtedly.

905. And that without reference to questions of economy?—Without reference to questions of money at all, I would as soon have the one thoroughfare through Hamilton-place, as I would through the other; the gradient is very bad; that is a material point.

906. They are equally bad in Park-lane?—They propose not to alter the gradient from the *cul-de-sac* part and the other; they would alter it all the way up; they would be the same; Park-lane is the same as the other.

907. As they now exist?—Yes.

908. From Park-lane to Piccadilly is worse than from Piccadilly to Hyde Park Corner?—I could not tell you that; from Hyde Park Corner to the end of the Hospital is 1 in 26; and from the end of the Hospital, where the new Crescent-road will open, down to Halkin-street, is 1 in 44; then there is 1 in 70 to the next street; so that 1 in 44, which is easier at Grosvenor-place, is not so steep as at Hamilton-place. It will be a stiff gradient.

909. Have you allowed for the expense which the alteration of that gradient would involve?—Not distinctly; not as a separate item. I have allowed for remaking the whole of the road from one end to the other.

910. Might not the alteration of that gradient materially interfere with the access to the houses?—I could not answer that question.

911. Assuming that it does, you have allowed nothing for it?—No.

912. Nor have you allowed anything for damage to Lord Cadogan's house, by his being placed near that?—No, I do not think it has anything to do with it.

913. Nor does it include anything for Parliamentary expenses, nor conveyancing, nor anything?—Neither one nor the other.

[The Witness withdrew.

[Adjourned to 12 o'clock, on Wednesday.

Mercurii, 5° die Aprilis, 1865.

THE RIGHT HONOURABLE WILLIAM MONSELL, IN THE CHAIR.

Mr. THOMAS MARSH NELSON, sworn; Examined by Mr. *Loch.*

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914. YOU are an Architect and Surveyor?—I am.

915. And you have had extensive practice in both those capacities?—I have.

916. Have you given especial attention to the improvement of the communications between Piccadilly and the north of London?—I have.

917. May I ask whether you are not the author of various communications addressed to the public press upon this subject?—I am.

918. Confining yourself to the present plan, propounded by the promoters, and the alternative which we suggest, what do you say to this roadway through Hamilton-place?—Looking at it as laid down on the plan as using Hamilton-place, without its being sufficiently widened, my opinion is that, emanating from the Board of Works, it is the most discreditable plan that was ever laid before a Committee of this House.

919. You mean that from a body which should be the author of great and important and thorough improvements in London, this is a discreditable improvement for them?—I think so, for this reason, that by the Acts under which they are constituted, the minimum width of a street for carriage traffic is 40 feet.

920. By the *Committee.*] Do you mean that they are not allowed to make any street of less width than that?—The public are not allowed to do so according to the interpretation of the 98th Clause of the Act of 1862, the 25 & 26 Vict. c. 102: "No existing road, passage, or way, being of a less width than 40 feet, shall be hereafter formed or laid out for building, as a street for the purposes of carriage traffic, unless such road, passage, or way be widened to the full width of 40 feet." Then the Clause goes on to define how that measurement shall be taken, which is, that it shall be clear between the walls or courts on either side of the street; I will read it: "Unless such road, passage, or way be widened to the full width of 40 feet, the measurement of the width of such street to be taken half on either side from the centre or crown of the roadway to the external wall, or front of the houses or buildings erected or intended to be erected on each side thereof; but where forecourts or other spaces are intended to be left in front of the houses or buildings, then the width shall be measured up to the fence" (the kerb is a fence, and the outer edge of the kerb is understood by every surveyor), then the width shall be measured up to the fence or boundary dividing, or intending to divide, such forecourts or spaces from the public way, or for the purposes of foot traffic only, unless such road, passage, or way be widened." Then it goes on that if it is for foot passengers it is to be 20 feet wide.

921. Mr. *Loch.*] This is the minimum?—This is the minimum.

922. In the principle laid down by this Act? Yes; and the object of the Bill was this, for I was consulted upon it,—that a great many people in London who were taking down stables and building houses should not create narrow streets, and whether it is specified so or not in the Act, that was the intention.

923. This is a minimum having reference to streets in which any traffic, however small, may take place?—Yes.

924. Looking to the practice of the Metropolitan Board of Works hitherto, have they not given a very much greater width to the streets?—They have given very much greater width to the streets; no architect or surveyor would think of laying down a street for traffic 40 feet wide. The reason of that 40 feet was this,—that was the minimum of Sir Christopher Wren's width of streets, and his width of streets have been printed no less than four times by Committees of this House in their various Reports. The 100 feet for great thoroughfares, 60 feet for the secondary thoroughfares, and 40 feet for the smallest thoroughfares; 40 feet was adopted, therefore, as the minimum.

925. By the *Committee.*] Do the Committee understand that four Committees of the House have decided against allowing streets to be made or widened so as to be less than 40 feet?—I cannot go to that extent, but I can say that the plan of Sir Christopher Wren has been printed four times by four different Committees.

926. You do not mean to say that Committees have given that as their decision?—No, I do not think they have.

927. Mr. *Loch.*] This minimum is laid down with a view to the smallest street with any traffic, however minute?—It is.

928. You would not conceive it at all applicable to a street such as Hamilton-place, through which they propose to introduce so large a traffic as that which passes down Park-lane?—Certainly not; nothing less than double that width would be an effectual metropolitan improvement.

929. Can you state to the Committee the points on which you think that the Park-lane improvement contrasts favourably with the Hamilton-place improvement?—The advantages of Park-lane over Hamilton-place can only be appreciated by looking at the map of London. It is impossible to contrast the two with a map of that sort, such as is on the wall; but if you take the map of London, the Ordnance Survey, the parts coloured green are the parks of London (*describing the same to the Committee*); the Regent's Park is to the north; the Edgware-road leads the traffic from the north-western district down to Piccadilly, and there is another great line, from Baker-street, which is opening to the Regent's Park, which brings the whole of that traffic down until it comes to Dean-street, South Audley-street, which is a *cul-de-sac* at that point; it is obliged to turn

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down that narrow line of street, and be thrown into that traffic; and if you are dealing with Park-lane itself, one is a straight line from Oxford-street to Grosvenor-gate, and the other is as near as possible a straight line to where it intersects with Piccadilly; and the obvious improvement is to take this traffic from the Regent's Park down its natural course to Piccadilly, and also to bring this traffic in a straight line to Piccadilly, turning into Hamilton-place; no doubt it is a sort of twist round there. There is no question that turning into Hamilton-place would be a saving of the distance from the point from the corner of Park-lane to the corner of Hamilton-place; but as all the traffic from Edgware-road comes down to Grosvenor-place, a distance of 2,000 yards, is it worth while, for the 30 yards only, to make that diversion out of the regular line?

930. Have you made any calculation as to the expense of carrying out those two projects?—No, I have not; but it must be obvious that they can form the continuation of South Audley-street to Piccadilly at a very moderate cost.

931. Mr. *Loch.*] Looking to Park-lane as one of the means of accomplishing the improvements which you have at heart, do you conceive that widening it would be very superior indeed to coming through Hamilton-place?—Unquestionably; because every shilling which you spend upon Park-lane will be contributing to the great improvement which must eventually take place.

932. Do you conceive that widening Park-lane, to the extent of 70 or 80 feet, would be in itself a great and permanent and lasting amelioration of the existing state of things?—There is no question about it.

933. Would you admit the same view as to the traffic passing down Hamilton-place with a width of 28 feet?—Certainly not; if you widen Hamilton-place to 80 feet it is simply a question whether it would not be very much better to spend your money in Park-lane, and to go 30 yards further round; but if Hamilton-place were widened to the extent of 80 feet, as against Park-lane being widened to 80 feet, then there would be a fair comparison.

934. Have you any question, in your own mind, taking the comparison as we have it before us, that the one is a very indifferent change, and the other a very great improvement?—Not the slightest.

935. Do you conceive that any change in the police would be an effectual improvement to Hamilton-place?—Not at all; there cannot be a greater mistake than to suppose that two narrow streets, close together, are equivalent to one broad street. The French, who understand these things much better than we do, never dream of such a thing. There is also an inconvenience in the traffic of two streets coming out together; suppose Hamilton-place were opened, as well as Park-lane, then all the carriages coming from the west, and going to the east, would have to stop at the corner of Hamilton-place while the traffic out of Hamilton-place entered Piccadilly; they then would have to go on, and they would have to pull up again at the corner of Park-lane, even under the police regulations, to allow the traffic going eastward to come out. There is not a better instance of that inconvenience than on the north side of Hyde Park; there is the Edgware-road, and Cumberland-place, and Park-lane, three large outlets of traffic, all coming into Oxford-street within a few yards of one another, and there is always a stoppage; you never can drive at any rapid pace until you pass the Edgware-road, in consequence of those three outlets entering the main street so close together.

936. Do you remember the distance between the outlet from Hamilton-place and the outlet from Park-lane?—I think that, assuming Park-lane to be widened, it will be 30 yards.

937. Therefore those two interruptions of streams of traffic coming down from Piccadilly would occur at an interval of 30 yards the one from the other?—They would be 30 yards from the one to the other. Then I was going to observe that police regulations for traffic are tolerated in existing thoroughfares in the City or other places, but if you open a metropolitan improvement, a great street as a thoroughfare, with a policeman at either end of it in both streets, it is but a makeshift, and people will say at once, "Surely, if I choose to go up Park-lane I may do so;" "Oh no, you must not, you must turn round Hamilton-place," and it would be a most unpopular thing.

938. Are you aware of any other great improvement suggested by the Metropolitan Board of Works where they have relied for its efficacy upon this police assistance?—None whatever; Parliament would never pass a Bill where police regulations must be relied upon constantly.

939. In all those improvements which have been made in the City and on the other side of the river, they are broad handsome streets, able to take care of themselves?—Certainly.

940. Have you ever had the misfortune to be stopped as a foot passenger at the corner of Park-lane while the traffic was going on?—Yes, I have resided in Piccadilly for 20 years. I was architect to Lady Mountford, who built a house at the corner of Park-lane some 30 years ago, and therefore I am familiar with the neighbourhood.

941. It is a great inconvenience for foot passengers, is it not?—It is.

942. Would not that similar obstruction occur at a distance of 30 yards from the bottom of Hamilton-place?—No doubt.

943. As regards the value of the property, have you considered the relative value of the property that would be required for the two improvements?—I have.

944. What would the property be in point of value in Hamilton-place, taking it as it is there?—I adopt Mr. Lee's figures; I have looked through his calculations, and I consider Mr. Lee's figures as a fair and reasonable compensation to be paid to these houses for the injury to be done to them; that is, as to the Marquess of Conyngham's and Mr. Butler-Johnstone's.

945. What do you put down to Mr. Butler-Johnstone's?—£. 6,000, and Lord Conyngham 8,000 *l.*

946. Those are the two houses that are actually and physically touched, are they not?—Yes.

947. As regards those who are not touched, how do you deal with them?—As regards those houses which are not touched, I conceive that as they take their houses subject to that being a quiet place, and without the traffic passing through the streets, they ought to be compensated, at all events, for the difference. Assuming that they would sell for the same price (that is how I put it) after the operation as they would do now, they would certainly be entitled to claim the 10 per cent. for the compulsory sale and the expenses of removal; that is, supposing the

the Board of Works purchase them and could sell them at exactly the same price, there would be a loss of 10 per cent. on the compulsory sale.

948. How would that work out as the sums to which those gentlemen would be entitled for compensation?—The 10 per cent. would amount to from 2,000 *l.* to 2,500 *l.* per house, and the removal from 2,500 *l.* to 3,000 *l.*; that would make for compensation for the tenants of the five houses, 24,500 *l.*

949. Plus the 10 per cent. on the compulsory sale, amounting to as much more?—Yes, but in the 24,500 *l.*, I have included the 10 per cent., and assumed that the houses will sell for as much as the Board of Works are willing to buy them for.

950. But that makes about 5,000 *l.* to 6,000 *l.* on each house, does it not?—Yes.

951. Including the houses that are touched, and those that are not touched; that makes how much in compensation?—That would bring it, exclusive of works, to about 38,000 *l.*

952. And what do you hear the works put down at?—The works are 2,000 *l.*, and the park and garden and the land is 10,000 *l.*, taking Mr. Lee's estimate for the value of the land from where the extension of the road would pass through at 10,000 *l.* in round numbers, 9,307 *l.*, I think the amount was.

953. Mr. *Phinn.*] Does that include the payment to the Crown?—Yes, it does, I have taken it as it was.

954. Mr. *Loch.*] You include that, do you not?—Yes, we include that. The total would be 50,000 *l.*

955. Does that include every item?—Yes, that includes every item.

956. Mr. Lee's estimate, I think, comes to something more than that. Mr. Lee's estimate comes to 55,000 *l.*?—On examining Mr. Lee's estimates, I find I have taken out the figures from my estimate, which was made for widening Hamilton-place to the extent of 80 feet, and there is 24,500 *l.* for five houses there, and there are three other houses for compensation; and I have omitted one of the houses in that amount, that is Mr. Blyth's.

957. That makes the difference?—Yes, that makes the difference.

958. Then that brings up your computation of the probable expense for compensation purposes for the plan now submitted to the committee to 55,000 *l.*, or thereabout, corresponding with Mr. Lee's?—Yes.

959. Is it not an element in your calculation that at the present moment these gentlemen have unobstructed access to their stables on the opposite side of the place?—Yes, it is a great convenience to them.

960. Which would obviously be interfered with by the stream of traffic coming down that way, would it not?—Yes.

961. What is your estimate of the expense of widening Park-lane?—There I adopt Mr. Lee's figures of 60,000 *l.* in round numbers, or 59,100 *l.*

962. Do you think that 30,000 *l.* is a sufficient sum to give for the fee of that house?—I think that is rather a low sum; but I think Mr. Lee is higher in some other items; I should take Gloucester House at 30,000 *l.*, and Mr. Drummond's house at 10,000 *l.* Upon the items of the five workshops and stores, and the small houses, at 8,600 *l.*, I think that Mr. Lee is rather high upon that; I should have put Gloucester House myself at 35,000 *l.*; but seeing that Mr. Lee has rather over-estimated the value of those workshops and small houses, I should on the whole adopt his figures.

963. What you add to Gloucester House you take off the other houses, do you not?—Yes, I think that that would be a fair amount.

964. Do you put down the same price in dealing with Crown land as you do in dealing with the Hamilton-place improvement?—Yes, precisely.

965. I think you have made no observations as to the gradient or the levels in the two streets respectively?—No, I have not compared them.

Cross-examined by Mr. *Phinn.*

966. When were you first consulted in this matter professionally?—About a month ago, I think.

967. By whom?—By the Messrs. Benbow.

968. On behalf of Baron Rothschild?—On behalf of the Marquess of Conyngham.

969. Previously to that you had committed yourself, I think, to a very different view to either of those suggested improvements?—No; the improvement that I stated would be the extension of South Audley-street, which would be taken into Piccadilly, but as it would be necessary to take down that side of Park-lane to carry that out, what you are doing now is an instalment towards the improvement.

970. Then you would bring the traffic of South Audley-street into this part of Park-lane?—Exactly; there are two streams of traffic now in Park-lane, the stream from the Edgware-road, which goes direct to the corner of Dean-street, and then it meets another stream of traffic coming from the north-eastern part of London, which enters Park-lane there, and those two streams then come through Park-lane; and by my improvement the stream of traffic which joins Park-lane at Mr. Holford's house would be brought direct down to Piccadilly without entering Park-lane. If that plan was carried out in its entirety it would cut a little into the next house adjoining Gloucester House.

971. But the houses on the opposite side of the road?—It would cut into the houses on the opposite side of the road, by the second turning on the right.

972. It looks to me as though you took down one side of the road?—No (*describing the same*).

973. Then I see that you have rather a crooked street, called Mount-street; you begin your improvement at Mount-street, and run it down to here (*pointing to the map*)?—That is the opening of the other *cul-de-sac* from Manchester-square to Mount-street, and then opening it from Mount-street to the end of Clarges-street.

974. Does that involve the taking down of some houses as between Curzon-street and Hertford-street?—It involves the taking down of houses opposite South Audley-street in Curzon-street, going through the different buildings which exist between Curzon-street and Hertford-street, and then going from Hertford-street.

975. That is the creditable plan, I suppose?—It is the proper plan.

976. And this, of ours, is the most discreditable plan?—Your Hamilton-place scheme is, no doubt.

977. Now, let me ask you this: supposing you cannot get your plan, and supposing that you

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cannot get the widening of Park-lane, do you think that the widening of Hamilton-place is no improvement at all?—I say that there is no doubt that the more openings you make for the traffic the better.

978. It is an improvement so far?—It is an improvement so far that it will take part of the traffic which now goes down Park-lane into Piccadilly, but it is merely transferring the nuisance from one place to another; it is an improvement so far that it will save the distance from Park-lane to the corner of Hamilton-place, no doubt; but you will have just the same inconvenience, and more so in Hamilton-place than you had at Park-lane, and for this reason, that the houses in Hamilton-place are of a class that have carriages stopping at their doors, and the houses in Park-lane are not of that kind on both sides, because Gloucester House may almost be considered a dead wall; nothing stands there; it is not a place for carriages to stand. In Hamilton-place, supposing a carriage stops at the Marquess of Conyngham's door, and another stops at Mr. Blyth's door, and you have only 28 feet, which I think it is, and as a carriage does not always pull up exactly to the kerb, you must deduct for those two carriages 15 feet off the 28 feet for those carriages to have standing room, and that will leave you 13 feet, and, practically, that is only a way for one carriage to pass, although two cabs might squeeze through, therefore, you would only have a way for one carriage to pass. Now, there are two public-houses in Park-lane, and occasionally you may find a cab standing at those public-house doors for refreshment, but you have no cab on the other side.

979. I want simply to ask you this; do you mean to say that an addition of 28 feet in Hamilton-place, plus the 18 feet at Park-lane, is not a great improvement?—I do not think it is.

980. And you would advise the Legislature, if they cannot get anything better, not to take that?—Certainly.

981. You have based it upon this, that in Park-lane people do not stop in carriages; is not Sir Edward Bulwer's house a house at which carriages would stop?—They stop a little higher you will find.

982. But they stop for the occupants to get access to Sir Edward Bulwer's house, do they not?—No doubt.

983. Do you suppose that no carriages ever go to the coachmaker's?—They may occasionally, but not so often; I have never seen carriages stopping there; I have never seen carriages stopping at any of those coachmakers' shops.

984. Did you hear Sir Richard Mayne say that one of the great disadvantages of Park-lane was that continual stoppage at the public-house?—I think that I have had as much experience of Park-lane as Sir Richard Mayne has, and I have never seen carriages continually stopping at the public-houses; there may be a cab now and then, but those are not anything like the stoppages which occur in the season at a private house.

985. Have you ever made an independent valuation for those houses?—I have made a valuation; I have been over every house.

986. Had you not seen Mr. Lee's valuation before?—I had it with me when I went over the houses.

987. And you had been retained by Mr. Benbow before you went to look over the houses?—I went to look over the houses.

988. Had you been retained by Mr. Benbow?—Before I went to examine the houses, certainly.

989. You have called the attention of the Committee to the 98th section of the Act of 1862; have you read the 99th?—I have read it, but I have not read it this morning.

990. Did you think it desirable to call the attention of the Committee to it?—I have not looked at that this morning.

991. Would you have thought it right if the Legislature had given an uncontrolled discretion to the Metropolitan Board of Works?—Certainly not; but that is only in exceptional cases; the general law is that they shall give 40 feet.

992. Have you read it this morning?—No.

993. Have you read it before?—I have never had occasion to refer to it.

994. Do you mean to tell me that, having read the 98th section, you have never read the proviso on it?—Very likely I may have read it.

995. Have you not read it before you came here, and mastered it?—I have not.

996. "Provided that it shall be lawful for the Metropolitan Board of Works to permit the formation of any such street of less width than hereinbefore provided, or with one opening only, should they, under any special circumstances, deem it equitable and expedient so to do." So you have read one section, and not read the other?—I have read the section as applied to the rule which there is among architects; and no architect has ever been able to get a street through the Board of Works with a less width than 40 feet; and I have here the printed order which refers to it. The printed order refers to a new street, it is true.

997. And this 98th section refers to an old passage upon either side of which houses are going to be built?—The 98th section refers to parties who were desirous of converting streets of less than 40 feet to be streets for houses and public ways.

998. It, in fact, refers to a case where people want to build on each side of an existing passage, does it not?—No; that is not the way in which it is understood; the way in which it is understood is this: supposing that there was a mews, which is, as a great many of them are, behind the existing streets, and people were desirous of opening this mews as a public way, they shall not be permitted to open it as a street unless it is 40 feet wide.

999. How is your reading of it consistent with this: "No existing road, passage, or way being of a less width than 40 feet shall be hereafter formed or laid out for building as a street for the purpose of carriage traffic unless such road, passage, or way be widened to the full width of 40 feet"?—My reading is what is usually understood in the profession, that any man applying to the Board of Works to make an existing street into a public way for houses is, if he wishes to take down stables for that purpose, obliged to make it of a width not less than 40 feet; it comes under that denomination; if you wish to convert any place under 40 feet into a carriage way you cannot do it.

1000. That is your understanding; I have read the Act of Parliament correctly to the Committee, have I not?—Yes.

1001. I think an architect had better stick to his trade and not set up for a lawyer. Now you have

have been a great deal, I believe, before compensation juries, have you not?—Yes.

1002. How many years' purchase do you assign when you take land or houses by compulsion?—For land alone it is 33 years' purchase; for houses including the land it is 20 years' purchase.

1003. Did you ever give evidence in your life that houses taken by compulsion should be valued at 20 years' purchase on the rental?—Yes.

1004. Have you ever had your conclusion adopted?—Yes.

1005. Tell me one case?—I can give you plenty of instances; the last one was the Dowgate-hill Chambers.

1006. Were the Dowgate-hill Chambers taken compulsorily?—Yes.

1007. Was it litigated?—Yes, it was litigated, and the surveyors on both sides agreed to 20 years' purchase and 10 per cent. compulsory sale.

1008. They dealing with the fee?—Including all interests.

1009. Have you not constantly heard 30 years' assigned as a proper sum?—Never.

1010. I will take Mr. Lee's own figures; are you aware that Gloucester House stands on a quarter of an acre of land?—Yes; Mr. Lee says that.

1011. Mr. Lee says that it is worth 60,000 *l.* an acre; do you agree with him there?—No; one cannot value it in that way; I have not heard Mr. Lee's evidence, but you can only value that in this way: there is an existing term in Gloucester House, which prohibits its being used for building purposes until that term expires, and therefore the only way to value Gloucester House, is to say how much would that let at year by year, and then multiply that by 20, which is the number of years' purchase.

1012. Mr. Lee went so far as to say that the land would be of more value if the house was away; should you agree with him there; it is Question 776 in his evidence: "Do you know that it stands on a quarter of an acre of ground? Very possibly; I have have got a plan of it, and I can tell you, supposing the house was down, and that quarter of an acre of ground was to be built on, how should you value that? I value it at about 50,000 *l.* or 60,000 *l.* an acre. That would give us 15,000 *l.* for the value of the piece of land; it may be worth more without the bricks and mortar on it than with; I dare say this would be worth more. You think it worth more without a house upon it; very likely. The house is such a wretched thing that it is an incumbrance on the land? It is so." Do you agree in that view?—I have not considered what proportion the land would bear to the house, if the buildings were away. I have only looked upon it as I found it.

1013. Now, assuming 15,000 *l.* to be the value for that quarter of an acre, that would be 33 years' purchase, would it?—From 30 to 33 years' purchase of the ground itself.

1014. You gave an instance in the case of the Dowgate Chambers; did not the jury give their verdict on 30 years' purchase?—No.

1015. Were they not valued at 1,000 *l.* a year?—Yes.

1016. Was not that a verdict for 30,000 *l.* Answer the question?—I do not recollect what the verdict was.

1017. Was not the verdict at 30 years' purchase, 30,000 *l.*?—I do not know what the verdict was. I do not recollect at this moment the exact figures, but the principle on which the valuations were based, was this, that the value of the chambers was ascertained.

1018. That was 1,000 *l.* a year?—No; that was what they would let for then, but the jury estimated what it would be let for. They said, it is not fair to take this at 1,000 *l.* a year now, because it is rising in value, and they ascertained that, and every body agreed, and the assessor laid it down to the jury that there was no difference whatever in the opinion of the valuers; that the only thing which they had to consider was, what was the annual actual value, and multiply that by 20 and add 10 per cent.

1019. Mr. Chinnock was there, was he not?—I do not know.

1020. He informs me that the verdict was 29,500 *l.*, the present value being 1,000 *l.* a year?—The present value was thrown over.

1021. Was the present value 1,000 *l.* a year?—I do not know; I said that the actual rent which the chambers let for was shown to be very considerably under the real value of the buildings.

1022. That is prospectively; was there a lease upon them?—No.

1023. Then they were only let from year to year?—From year to year.

1024. You cannot imagine that there can have been any very large spring since the letting then?—Yes; then there were special circumstances in that case. I have lately sold, in Old Broad-street, what is called the "South Sea House Chambers," at 20 years' purchase; all the interest.

1025. Compulsorily taken?—Not compulsorily taken.

1026. Have you estimated anything in the case of those shops, which are above Gloucester House, for loss of connection and loss of trade?—That is included in the amount.

1027. But Mr. Lee expressly told us that it was not?—There are no shops; there is a coach factory, and there is a straw-man who has a straw shed, a depôt for straw.

1028. You say that it is included?—I say that that sum of 60,000 *l.* would cover any compensation that those two parties might require for loss of trade.

1029. Have you put an item for loss of trade and good-will?—I included that in the valuation.

1030. You adopt Mr. Lee's valuation?—Yes.

1031. Did you go through the items to see whether he was right, or did you merely take it in the rough?—I took the items from house to house, and after I had finished the inspection of the houses, I considered that the sum of 8,600 *l.* upon those stores and small houses would amply compensate for any claim which the tenants might have for loss of trade.

1032. But did you in your mind separate that from the value of the house?—No, I put it down in the value of the rent.

1033. At Question 794, Mr. Lee said, "Here you propose to take the houses, there you do not, and you have added nothing for compulsory purchase? No." "Is not that an element in any of your calculations of these blocks of houses? I have not put it in any way." "Now as to the coachbuilder and the other tradesmen in Park-lane, have you taken anything for compulsory sale and good will? No." "Trade is another element;

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ment; that is a different element; a man has to move his trade and also his connection? That does not follow, he may get a house opposite, and he may be much better off." Mr. Lee, you see, expressly says that he has included nothing?—I should include them, because I consider that the compensation for those buildings is not what you would consider ordinary compensation for shops or retail trade, but they would be so comparatively small in those two instances that they would be amply covered by the figures.

1034. Mr. Lennie is the great basket carriage-maker at Croydon, is he not, with this place in London?—Yes.

1035. Is it so easy to get good coachbuilder's premises in the immediate vicinity?—I have not inquired into that, but I should think that there would be no difficulty; Mr. Lennie's is not like Laurie & Marner's in Oxford-street, it is more a factory.

1036. You assume that he might go over to the other side of the street, or anywhere?—I think that there would be no great difficulty; Mr. Lennie's business, as far as I could observe, was more a workship than a place for the sale of carriages.

1037. But he has carriages on show there?—He may have one or two there, but it is essentially a factory.

1038. I believe he advertises in every paper in England, that carriages are on view there, does he not?—He may do so, but I have not seen them.

1039. Then, on the whole, you put this at 60,000 *l.* I suppose that you have often met Mr. Pownall in compensation cases?—Yes.

1040. He is a very eminent man, I suppose, is he not?—Yes.

1041. How do you reconcile the discrepancy in that case?—I have not looked over his figures, but I conceive that my estimate is not very far off, but I find on reading Mr. Pownall's evidence that he has put down the value of the Hamilton-place houses at the estimate at which I put them when I made the estimate for widening Hamilton-place, to 80 feet. Mr. Butler-Johnstone's house, which is 5,000 *l.*, is exactly the sum at which I put it down, and he has also given, as compensation for removal, my maximum of 3,000 *l.*; therefore I consider that if Mr. Pownall agrees with me in my valuation in Hamilton-place, I am not very far out, according to Mr. Pownall's showing, in Hamilton-place.

1042. You are right in Hamilton-place and Park-lane, but he is right in Hamilton-place, and wrong in Park-lane; that is your deduction?—No doubt, because as regards Mr. Pownall's amount for Gloucester House of 60,000 *l.*, there is no person who is practically acquainted with the value of property in that part of London that would ever put 60,000 *l.* for the house; it is, by itself, the most unmarketable house in the neighbourhood; and Sir Edward Kerrison's house at the corner, if the fee-simple of the two were put up to auction, I will undertake to say, would sell for a great deal more than Gloucester House.

1043. In your calculations, have you taken into account no allowance for bringing the noise nearer to Lord Cadogan's Trustees?—No, for this reason; if you give 80 feet in front of a house, and the street is macadamized, the noise would be not a matter for compensation. I should give nothing more to the opposite houses in Hamilton-place, if it were widened to 80 feet, than the cost of removal to the tenants, which I think they would be fairly entitled to, and the difference of 10 per cent. between the compulsory sale and the market value.

1044. Nor would you give Mr. Butler-Johnstone anything for bringing the noise nearer to his window?—No; because he is 80 feet away. The noise is just in proportion to the width of the street. If it be a narrow street the noise is so troublesome that you cannot reside in rooms next to the street, but if the street be 80 feet wide it is not so perceptible, and at the terrace in Piccadilly you may sit at those windows, which are 50 feet off the road, and scarcely hear any noise whatever.

1045. Do you always find that inhabitants of those *culs-de-sac* do not value the increased facility of access as in some degree counterbalancing the noise being brought near them?—No.

1046. Did you hear Mr. Cundy talk before the referees about the opening of Grosvenor-crescent?—I did not.

1047. Are you aware that Grosvenor-crescent is to be opened?—It is.

1048. That is at the present time a *cul-de-sac*?—Yes.

1049. Do you think that to be a less desirable residence from being opened?—I do not think that it will be a less desirable residence because Grosvenor-crescent is 80 feet in width.

1050. If you once get 80 feet, though it may have been a *cul-de-sac* before then, you have nothing to ask for in compensation, and the residence is not less desirable?—I think if you get 80 feet, that the chances are that the houses will sell for as much with the 80 feet way as they would have done in the *cul-de-sac*; but I think that the circumstances of Hamilton-place are peculiar; there is no other such place in the metropolis. Its object was to make an architectural block to be viewed from the park, and if you look at the reports of committees from 1795 to 1806, you will see that it was made to hide those inferior houses and to make it a place by itself. There are houses with architectural fronts on either side, and there is the quiescence of Hamilton-place with these private gardens.

1051. Will you refer me to those reports, with which I am not so familiar as you are?—You will find it, I think, in 1796 or 1797, when the first scheme for Hamilton-place was proposed.

1052. Is that a Committee of the House of Commons?—No, it is a report from the Surveyor General.

1053. That is a very different thing from a report of a Committee of the House of Commons?—You will find that they were Reports to Committees of the House of Commons.

1054. Were not they reports from the Surveyor-General to his superior?—He had no superior.

1055. Surely the Treasury was his superior, was it not?—The surveyor was then the Minister of Public Works, as they call it in France, and before, the Commissioners of Woods and Forests and the Commissioners of Public Works. The Surveyor General was in Parliament.

1056. Can you point out any Report of a Committee of the House of Commons that has ever sanctioned the notion that this was never to be built upon?—No; what I stated was that this was a block of buildings specially defined, with a view of giving an ornamental appearance to the park with a view to filling up an angular corner. It was never intended for a public thoroughfare; and,

and, therefore, if you open a public thoroughfare through it, you injure the parties who have taken their houses on the strength of its being a quiet place. A parallel instance would be this: there is a great outcry that the working classes have no market in Oxford-street, and the southern side of Oxford-street has become quite impassable from a kind of market being held there. Supposing the Board of Works were to say, we will save expense, we will convert Grosvenor-square into a public market-place; the people living there would say, it is very true you give us 80 feet all round it, but we came here to live quietly with a garden in front of us, and if you wish to convert Grosvenor-square into a market-place, relieve us of our houses, and pay us the 10 per cent. and the expenses of removal. That is an exactly parallel case.

1057. Are you aware that there are covenants there, that the gardens are never to be built upon?—I am not aware of it.

1058. Are you aware that there are no covenants here?—I am not aware of it.

1059. And nothing upon which they can found either in law or in equity against the Crown?—I am no lawyer, as you told me before; but I think, from reading those printed papers, that the opinions of the Attorney and the Solicitor-General——

1060. I have never seen those opinions, and I should like to see them very much?—They certainly show that there is a case in equity.

Re-examined by Mr. *Loch*.

1061. One word as to Grosvenor-crescent; has it not been known, even from the very first stone, which was laid in the commencement of that crescent, that it was to be opened up to Grosvenor-place so soon as the lease of Tattersall's was out? — Certainly, and people took their houses on that understanding.

1062. Therefore, there is no breach of faith with respect to Grosvenor-crescent?—No.

1063. Are you also aware that the carriage way alone of Grosvenor-crescent, is 50 feet wide?—I know that the street measures, according to the Ordnance map, about 75 feet.

1064. Would that alone, irrespective of the fact, that it has always been intended that Grosvenor-crescent should be a public thoroughfare, make it a very different state of things from Hamilton-place?—Certainly; I state, I think, that it being a street 80 feet wide, the houses would sell for as much, if you widen it to 80 feet, as they would before, but still the parties taking those houses as a *cul-de-sac* in a quiet place, would certainly be entitled to compensation for removal, and 10 per cent.

1065. Lord Cadogan's house, to which my learned friend has drawn your attention, is a house immediately westward of the Duke of Cambridge's house?—Yes; the one with the bow window.

1066. That would leave no windows, at any rate, opening on Park-lane?—No.

1067. And therefore there will be no existing comfort or privacy invaded by the opening of Park-lane?—None whatever.

1068. Would not a line drawn from Gloucester House up to Stanhope-street, represent the boundary of the Crown property?—Yes.

1069. I believe it was originally the waste of the manor?—It was.

1070. Would it not add considerably to the value of all that Crown property, bringing it to a frontage in Park-lane?—No doubt.

1071. And would not interfere with the privacy of the houses in Hamilton-place?—Not at all; and there is another element, if you make that 80 feet wide, as regards those small houses on the eastern side of Park-lane, the property would be so immensely improved that you might fairly call upon them to contribute a portion of the expense. I should say that the property on this side would be doubled in value, at least.

1072. You took Mr. Lee's calculations in your hands and went over the houses and property after he had done so?—I did.

1073. And you agreed with him mainly, disagreeing with him on certain points?—Yes.

1074. Did you hear that Mr. Pownall and Mr. Shaw, very able valuers no doubt, who appeared for the promoters, made theirs jointly?—Yes, it is always usual; it is the rule. Every gentleman who goes to the trouble of surveying and taking a plan of the house gets those facts together, and puts those facts before the other surveyors, and they state whether they agree or disagree.

1075. As to Mr. Lennie's, the coachmaker's, the person who builds those basket carriages, he is upon the east side of Park-lane, is he not?—On the east side.

1076. Therefore, in fact, we do not touch Mr. Lennie's premises at all?—No.

1077. About those examples which you have given in answer to my learned friend, in which you yourself have advised, as to the valuation for the sale of the South Sea House in Old Broad-street, you say that that was 20 years' purchase?—Yes.

1078. But my learned friend put it that that was not a compulsory sale?—No.

1079. Under a sale made under the powers of the Act of Parliament, you add a per-centage?—Yes, whether it is a compulsory sale or sale by private contract, there is no difference of amount except an addition of 10 per cent.

1080. You still consider that they are the same, with the exception of an addition of 10 per cent. for the character of the sale?—Yes.

1081. The Dowgate Chambers were taken under the powers of an Act of Parliament, were they not?—They were.

1082. At 20 years' purchase?—At 20 years' purchase on the rent which they were considered to be worth.

1083. But different from the actually existing yearly rent?—Yes, because they were shown to be very much underlet, under peculiar circumstances.

1084. But still you maintain that the value is fixed by multiplying the real rent of the premises?—Yes, I could give you 20 other instances.

1085. I find this in Mr. Lee's evidence, "Now, tell me this; 20 years' purchase on the rack rental of a house, is that a fair valuation, when you have a compulsory sale? Very often it is, and very often it is not.—In any case, where the house is taken compulsorily, do you know such an instance? Yes; I have put it at 18 and 16 years; I have sometimes known a jury give more than I asked, and sometimes they have given less.—Is it not usual for surveyors to put a house taken compulsorily at 30 years' purchase? No. Have you not given evidence yourself over and over again to that effect? Never; and I have never

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never heard a surveyor well acquainted with the matter that ever did; they will put a ground rent of 30 years' purchase, but it will never fetch it; but a rack rental arising out of bricks and mortar and land, I say never." Do you agree with that?—Certainly; it is quite right.

1086. With reference to this 99th section; you read the 98th section to the Committee, which shows that 40 feet is the prescribed minimum width for making a new street under this Act?—Yes.

1087. And that is the minimum with reference to the smallest amount of traffic, as far as you know?—It is.

1088. The 99th section is to this effect: "Provided that it shall be lawful for the Metropolitan Board of Works to permit the formation of any such street of less width than hereinbefore provided, or with one opening only, should they under any special circumstances deem it equitable and expedient so to do;" supposing a person desirous of making a street were to go to the Board of Works and say, I desire very much to make this less than 40 feet, but there is a large traffic through it, what would they answer?—It would not be entertained for a moment.

1089. It is of course the object of this improvement that a large stream of traffic should come down Hamilton-place?—Yes; the only excuse would be to say, this is a side street, and there is no traffic passing through it, will you have the kindness to make that an exception; but they will not allow a side street to be made of less than that width.

1090. Then the exercise of this discretion given to them under the 99th section could not be used for so large a traffic coming down Hamilton-place?—No.

1091. Would it be used?—Certainly not.

1092. In your experience of the Board of Works you know of no case of less than 40 feet being allowed for a street?—I never knew of less than 40 feet being allowed, and I never heard of anybody submitting such plans.

1093. My learned friend put it to you whether you do not think that the maximum width of 30 yards would be an improvement in the existing state of things; would not making a street 28 feet wide, there being an existing street of 18 feet wide, merely invite a fresh block in a fresh place?—Yes, it would be merely transferring the block from one place to the other.

1094. Do you remember that Sir Richard Mayne said, in answer to my learned friend Mr. Denison, that he would look upon a street of 80 feet wide as a very much better thing than two streets of 18 feet and 28 feet?—Yes.

1095. And you concur with Sir Richard Mayne in that opinion?—Yes, it stands to reason, because if you have one street of 80 feet, only two carriages can block it upon either side; if you have two streets four carriages can block it up.

1096. Always keeping in mind that the traffic passing down to the westward in those streets is as 173 is to 3, do you consider that if Parliament were to sanction such a makeshift as this a very great mistake would be made with reference to public convenience?—It would be a great mistake, and I think that it would end eventually in the public being so ashamed of it that the Board of Works would come for powers to widen it, as they now propose to do in Park-lane.

Mr. Charles Pennethorne, sworn; Examined by Mr. *Loch.*

Mr. *C. Pennethorne.*

1097. I think you are the Architect for the Crown Surveyor?—Yes.

1098. And you are employed by the Commissioners of Woods and Forests in all cases upon giving leases by the Crown, and upon other matters connected with that department?—Yes.

1099. How many years have you been employed in that way?—Since the year 1840, 25 years.

1100. Have you given your attention to this so-called improvement of Hamilton-place?—Yes.

1101. Will you state to the Committee how you view it as an improvement, looking to the objects to be obtained of relieving the traffic which now comes down Park-lane?—I do not look upon it as any improvement whatever.

1102. What is the ground upon which you state that view?—Because it is proposed to bring a very large traffic into a very narrow street, particularly at one point, at the northern end of that street.

1103. By the northern end, you mean at the point at which it enters the existing Hamilton-place?—I mean the place between Lord Conyngham's and Mr. Blythe's.

1104. Is not an abrupt and sudden throttle or narrowing of a street of that kind worse than if it were so the whole way down?—I think so; it is a great inconvenience; I do not say that it is worse, but it is very bad.

1105. Now, as regards the gradient of Hamilton-place, have you made any examination with reference to that?—I have not taken the levels, but I have referred to the Ordnance map, which is the best authority upon the subject.

The *Chairman* stated that the Committee had heard sufficient evidence with regard to the probable effect upon the traffic, but that they were desirous of hearing Mr. Pennethorne's evidence with regard to the valuation.

1106. Mr. *Phinn.*] There was one mistake in the levels, which I should like to correct; from Piccadilly to the top of Hamilton-place, in a length of 396 feet, what do you make the gradient?—I have extracted it from the Ordnance map in three lengths, beginning at the top or north end, 198 feet is 1 in 69 ft. 6 ins., beginning where the iron railway crosses the top of Hamilton-place, the present termination; that is as far south as the entrance to Hamilton-mews. From the entrance to Hamilton-mews to the centre of Piccadilly, where the figure is given on the map, along that 198 feet, it is one in 34.

1107. Is that the average of that descent, or the maximum of that descent?—One in 34 is, taking the two.

1108. By the *Committee.*] That is from the mews to Piccadilly, as I understand you, is one in 34?—Yes.

1109. Mr. *Loch.*] For the purpose of contrasting Park-lane, be good enough to state, if you can, how that contrasts with the gradient of Park-lane as it issues upon Piccadilly?—From Stanhope Gate to the Pitt's Head-mews, which is the first street going off at 120 feet, is one in 70;

70; the next, 200 feet, is one in 47; the next, which is 117 feet, is one in 81, that is to the Pitt's Head-mews; then from the Pitt's Head-mews to Hertford-street, is 95 feet, at a gradient of one in 107. From Hertford-street to Brick-street is 193 feet, with a gradient of one in 33. From Brick-street to Granton-place, 123 feet, is on a gradient of one in 31 ft. 7 ins.; from Granton-place to Dyson's-yard, opposite to the entrance of Gloucester House, is 113 feet, with a gradient of one in 48. Then from Dyson's-yard to the centre of Piccadilly is 176 feet, at a gradient of one in 58. I have left out the inches.

1110. As regards the contrast between the two schemes, what in your view are the comparative merits of opening Park-lane to the width of 80 feet, and of permitting it to come through Hamilton-place?—I should say that the widening of Park-lane is for every reason that could be given far superior to the carrying of the traffic down Hamilton-place. First it would make a wide street, which, in all probability, never would and never could be blocked up, whereas Hamilton-place would be constantly blocked up. Then the gradients, I consider, in Park-lane would be very far superior to those in Hamilton-place, because the steeper part of the inclination is much further removed from Piccadilly, and because where it is steepest (and there it is not really steeper than Hamilton-place), in all probability the levels could be very considerably improved when the street is widened, it having a space of 80 feet on one side of it, there being no doorways, and nothing to tie you down to the levels; and, on the other side, with a very broad footpath, so that it would be very easy to rectify the levels of the roadway so as to make the levels much better than they are at present.

1111. Having given your general expression of opinion, let me ask you about the values. I will take Hamilton-place first, if you please; will you submit to the Committee the results of your estimates as to the expense that should be involved in dealing with compensation to those who will be affected by this scheme?—The figures which I should give to the Committee would agree with those which Mr. Cundy has given them. Mr. Cundy and I went over the houses together, and considered the question in all its bearings with regard to value, and we came to the same results.

1112. What was that result?—The total amount, including compensations and everything, is 59,949 *l.*

1113. By the *Committee.*] That is for Hamilton-place?—That is for Hamilton-place.

1114. Now take Park-lane?—In Park-lane in the same way the total result, including compensation for good-wills and removals, would be 66,428 *l.*

1115. Is that the estimate of Mr. Cundy also?—Nearly so.

1116. Mr. *Loch.*] What sum is included in that for Gloucester House?—£. 31,000, and something more which would be included in the amount of new buildings and removals, but for the property 31,000 *l.*

1117. Looking at your experience in these cases as acting on behalf of the Crown, and also as having been engaged in laying out new streets, are you quite satisfied in your own mind that the value of the fee-simple of Gloucester House is represented by that sum of 31,000 *l.*?—I not only came to that result after a great deal of consideration, but I think I was quite confirmed in it by the evidence which I heard given the other day by the Duke of Cambridge himself. If I understood rightly, his Royal Highness said, that for the renewal of his lease he gave about 4,500 *l.*, or something under 5,000 *l.*, being subject to a ground rent of 150 *l.* a year. Therefore, it is quite clear that the fine must have been calculated upon a rack rental of about 1,150 *l.* a year, because if the rack rental is 1,150 *l.* a year, and the ground rent is 150 *l.* a year, that leaves a difference of 1,000 *l.*; that would be 1,000 *l.* per annum for 19½ years in reversion, and after the 19½ years in existence, which at 5 per cent. (which would most likely be the calculation) would produce 4,741 *l.*

1118. Then you get at the rental by inverting the calculation?—Exactly so; knowing the term of years and the money that was paid for it, it seems quite clear that it was calculated upon a rental of about 1,150 *l.* a year.

1119. By the *Committee.*] Then I think that the Duke of Cambridge said that he had expended a considerable sum of money upon the house?—I daresay that there may have been some money expended on decoration, but when I went over the house and looked over it very carefully, I did not see any substantial additions to the house nor any great improvements to it.

1120. Mr. *Loch.*] Making every allowance, and taking into consideration all those circumstances, do you still adhere to your view that 31,000 *l.* represents the value of the house?—I think that it is the full value of it on compulsion.

Cross-examined by Mr. *Phinn.*

1121. Had Mr. Cundy made a calculation first before you went?—No.

1122. You went together?—We went together.

1123. With your minds blank, do you mean?—No; Mr. Cundy had made his valuation, and I had made my valuation for the purpose of the report previously, and we compared our two valuations, and in some respects I changed my opinions, and in some respects he changed his, and we came to a result; there was scarcely any difference.

1124. It is also desirable when you are coming to give evidence on the same side that you should agree?—It is; but it is quite impossible when you go over the properties and talk it over, that you should come to a better knowledge of the value.

1125. A little give and take; you adopted his views in some things, and forewent your own?—I should not say "give and take" for the purposes of giving and taking; in some cases he showed me, perhaps, that I was in error, and here and there I showed him that he was in error.

1126. By the *Committee.*] What was the difference in the total valuation between yours and Mr. Cundy's?—I think that in both cases I rather added to mine; there may have been 2,000 *l.* or 3,000 *l.* at the outside.

1127. Not more than that?—Not more than that.

1128. Mr. *Phinn.*] Have you and Mr. Lee put your heads together at all?—Only in the first instance, when I was directed to report officially upon Mr. Lee's estimate; then, of course, I had to communicate with Mr. Lee to see the details of his valuation, and to report my opinion upon that valuation.

1129. And make an estimate of both?—And make an estimate of both.

1130. Yours

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1130. Yours is somewhat smaller than his as to Park-lane, by, I think, about 7,000 *l.*; you say you adopted Mr. Cundy's, which is 66,000 *l.*, as I understand, whereas his is about 59,000 *l.*?—Our estimate includes good wills and removals, and Mr. Lee says that he has omitted those on both sides, and that accounts for the difference.

1131. On the one hand there is good will with reference to trades, and on the other, there is no good will at all, because they are mere residences?—There are removals in both cases; there is actually very little good will anywhere.

1132. Mr. Hale, the coachmaker, and some other trades?—Mr. Hale, to a certain extent, had some good will, and there is a corn merchant, whose good will would be a mere trifle; I did not see any shop; it is very little more than a warehouse.

1133. It is a place for the transaction of his business, and you know that a man's business in London depends very much upon being upon the same spot?—Not on the same spot.

1134. In the same vicinity?—What he gets his good will for, is the loss which he will sustain by removal from that spot.

1135. That depends upon the evidence of the facility with which he can get another place?—Not always.

1136. But very generally?—It is the loss which he will sustain by removal.

The Honourable CHARLES ALFRED GORE, sworn; Examined by Mr. *Denison.*

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1137. WHAT is your Office?—I am Commissioner of Woods and Forests.

1138. How long have you been in that office?—Since 1839.

1139. These transactions of lease to the Earl of Buckinghamshire began before your time, but of course you know what took place; I believe you can prove from Reports of the Surveyor General of your office what was done in the year 1805, as to (I was going to say feuing, having been in a Scotch room) letting out the ground in Hamilton-place?—In the year 1805 the Surveyor General submitted to the Lords of the Treasury a general plan for laying out the ground in Hamilton-place, and he stated that persons had applied to him for the plots of the said ground, and that he had agreed with the following, among others, the Earl of Buckinghamshire, Mr. Sullivan, the Earl of Lucan, and Mr. Dundas.

1140. With regard to the first two, there was a distinction, that they should have gardens taken out of Hyde Park?—It will be seen that two of the persons who have agreed to take the plots of ground upon leases for 99 years, undertaking under the covenants of their agreement to build houses at their own cost on the plot so granted, were to have included in their leases portions of Hyde Park, which effectually closed up the end of Hamilton-place.

1141. Mr. *Phinn.*] Could you refer us to the very passage in the report?—The plan is exactly similar to that in the printed plan here; it is taken from it.

1142. By the *Committee.*] What was the date of this?—1805. This is a report to the Treasury by the Surveyor General: "I proceeded to treat with the persons who have applied to me to take plots of the said ground for the purpose of raising houses thereon for their own habitation, and have concluded agreements with the following parties, subject to the approbation of your Lordships;" and then he names those four first ones.

1143. Mr. *Denison.*] I saw on the margin a plan; will you refer to that, and point out to the Committee the garden which was to be connected with numbers 5 and 6, if I remember right—It is identical with the plan which the Committee have; it showed those two gardens, one to be let with one house and the other with the other house (*describing the same to the Committee on the Plan*) for the 99 years, which made any roadway through impossible, consistently with good faith to the persons who had been permitted to lay out their money on that understanding.

1144. As you say, the letting of those gardens with the houses was an effectual guarantee against its being made a thoroughfare?—Yes.

1145. Besides that there was a provision, was there not, about the passage into the Park at the upper end of Hamilton-place?—The private way into the Park, from the upper end of Hamilton-place, is thus described in the two leases; in the case of number six, which is the house let to Mr. Sullivan, the garden is described as being bounded by certain ground intended to be formed into a private way, or passage, to lead from the north end of Hamilton-place aforesaid into Her Majesty's Park, called "Hyde Park," and the path is described on the plan attached to the lease, as a "private way." The description of number five, which is the house let to Lord Buckinghamshire, is similar, and the path is described on the plan as "intended passage."

1146. Did you mention the length of the lease?—Ninety-nine years.

1147. Now, we will go to 1856: as we see by the Parliamentary Paper, in 1856, you were directed, I think, to lay a case before the Attorney and Solicitor General?—I was directed by the Lords of the Treasury, in 1856. It was contemplated by Sir Benjamin Hall, who was then First Commissioner of Works, to bring in a Bill to make a thoroughfare through Hamilton-place; and the Lords of the Treasury directed an answer, as follows: "Their Lordships therefore desire that you will submit a case for the opinion of the law officers of the Crown whether, having regard to the plan which was submitted to this Board, in 1805, and which would appear to have formed the basis of the leases subsequently granted, and to the expenditure incurred in the erection of houses, the lessees would be entitled to claim that the street should be maintained in its present condition, there being no thoroughfare through it; and whether the Crown could be properly advised to consent to the establishment of the proposed thoroughfare, having regard to any claims which the tenants may possess, either as matter of legal or equitable right, or of good faith, on the grounds referred to."

1148. That was the direction from the Treasury, I believe that the law officers of the Crown always object to their opinions being produced?—The law officers of the Crown object to cases and opinions being produced. First of all, I obtained the opinion by direction of the Lords of the Treasury; and next, I believe, you are aware that it is not usual to give the opinions on cases submitted by the Lords of the Treasury, but I will give you the words: that it would be a violation of

of good faith on the part of the Crown and its tenants for a Bill to be brought in by the Crown to make a thoroughfare through Hamilton-place.

1149. Mr. *Denison.*] That was in 1856 I think?—Yes; that opinion was taken in 1856.

1150. And as soon as that opinion was got, the matter seems to have gone to sleep for some time?—No, the Bill was abandoned.

1151. Nothing more was done?—Nothing more was done.

1152. But in 1862, we know that it was revived by a letter from Mr. Cowper to the Treasury, which I think came to you?—Yes, I think it was forwarded to me by the Treasury.

1153. And thereupon there was some correspondence which we have here, and then there was a letter which the Honourable Chairman adverted to at page 12?—Yes, the paragraph in the letter from the Treasury is this: "You will observe that the Board of Treasury of that time declined to assent to the introduction of the proposed Bill on two grounds: first of the opinion which the Attorney and Solicitor General as then advised had given, that the measure would involve a violation of good faith on the part of the Crown with its tenants."

1154. "And secondly, of their being no circumstances connected with the particular thoroughfare through Park Lane"?—That was only as to the question by whom the funds were to be provided.

1155. Are you able to inform the Committee whether the Crown is prepared to consent to the Bill, except upon the terms stated in the correspondence?—Her Majesty's Government are not prepared to allow the assent of the Crown to be given to the Bill except on the terms stated in the correspondence.

1156. Taking their words here, "Further, that their Lordships cannot recognize as binding on the Crown, the assurance which you have given for the surrender to the Metropolitan Board without payment, of a part of Hamilton Gardens for the proposed road." That is one part of the matter; then there is another, "As I am in possession of your Lordship's views as detailed in Mr. Hamilton's letter of 24th March 1862, I have no difficulty in stating that the Bill will not meet with any opposition on the part of the Government, provided that it contains satisfactory provisions for compensating any injury that may be done to the property of the lessees of the Crown, or to the reversionary interests of the Crown." What I understand you to say is that the Crown is taking no active part in the matter, but that it will not consent to the passing of the Bill without full compensation for injury to the property of its lessees?—Yes.

1157. Now let me ask you upon another point, you have had a good deal to do with the valuation of Crown property, are you prepared to express an opinion yourself as to the depreciation in value of the houses in Hamilton-place, if this road is to be carried through?—Not as a valuer.

1158. Will the houses be materially depreciated or not?—They must necessarily be so.

1159. Taking the rents, of course, for such houses, is ultimately left in your hands after consulting valuers?—Yes.

1160. Have you the least doubt that you would be able to get a much less rent for those houses if the road is made through there?—No doubt.

1161. There is an expression somewhere about the Metropolitan Board being required to show that this is the best means, that "The opening through Hamilton-place will afford the best means of relieving the traffic of Park-lane;" have you formed any opinion as to that, whether Hamilton-place will form the best means of communication?—Yes, I have.

1162. Will you be kind enough to state it?—I think that it would be the worst means.

1163. We are only here contrasting this with Park-lane; will you be kind enough to state your views upon that point?—I think that a street varying, I believe, from 65 feet at the narrowest point to 80 feet at the widest, would afford the best means of giving facilities for traffic through Park-lane.

1164. And I suppose to that the Crown would have no kind of objection?—It does not touch any Crown property, except a small strip of land at the upper end of Apsley Gardens.

Cross-examined by Mr. *Phinn.*

1165. That is not in your jurisdiction, but in Mr. Cowper's, I think?—The small strip of land at the upper end is.

1166. I suppose you are aware that the Crown still retains in full force its objection to expending any sum upon the improvement of these metropolitan thoroughfares, and to going to Parliament for any money from the Consolidated Fund, or elsewhere for that purpose?—Yes.

1167. There is no hope of getting anything, therefore, from the Crown for that purpose?—No.

1168. And the Board of Works, as you know, positively refuse to undertake the enterprise?—I do not know that.

1169. Then there remains Hamilton-place. I do not find in the report of the Surveyor General (you will correct me if I am inaccurate) any pledge other than the leasing of those two gardens, that this place should be maintained as private?—No assurance was given or asked for, so far as I can find out from reference to the same documents that you have now access to, to the effect that the property should be kept as a *cul-de-sac.* The lessees in general, I think, could hardly have had a better security that no such change was contemplated, than the fact that these two gardens were demised for 99 years in their leases.

1170. That is, the two owners of the houses to which the two gardens were appurtenant?—No, not alone; because the plan showing that *cul-de-sac,* was shown to all the persons who were invited to bid for plots of land to build houses upon.

1171. Supposing the two houses, Mr. Butler-Johnstone's and Lord Conyngham's had been bought up or surrendered to the Crown, is there anything which would enable the lessees of the other houses to say, You shall not utilise it in any way you please?—I think that if an owner of property shows a plan to gentlemen inviting them to lay out money upon his land, and if that plan shows the end of a street closed up, the fact of the owner subsequently acquiring those two gardens, would not justify him in then making a different distribution of the property, than that which was shown to the persons who were invited to treat.

1172. Then that is, in point of fact, the sole

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security they have; they were shown this plan, with gardens to be demised to the two owners (call them Lord Conyngham and Mr. Butler-Johnstone), they took no gardens in their leases, nor was any representation, as I understand, then made to them in writing or verbally, that the Crown would never use any rights it might acquire as to these houses?—Nothing but the showing of the plan.

1173. You were asked as to this opinion of the law officers, and you seem to have some scruple about producing it. I do not know whether you would have any scruple in stating the effect of it. Was not the opinion of the law officers based upon this—that the other lessees (I am not speaking of the two owners of the gardens) have no remedy, either in law or in equity, against the Crown, but that it was a matter of faith on the representation of the premises?—What may have passed in the minds of the law officers I cannot say.

1174. Was not that the drift of their minds, or what was it?—That it would be a violation of faith towards the lessees.

1175. If I understand you rightly, their opinion was based on good faith?—Upon all the considerations, but I can only take their words.

1176. It is put in the alternative, as I understand it?—The question was put as the Treasury directed, namely, to ask the opinion of the law officers of the Crown.

1177. As a matter of legal or equitable right or of good faith upon the grounds referred to?—In the opinion given, they drew no distinction between them, but gave it upon the whole question.

1178. Do you mean to say that they said that they had no legal grounds?—I gave the words just now, taken from a letter to the Treasury—"first, of the opinion which the Attorney and Solicitor General as then advised, had given, that the measure would involve a violation of good faith on the part of the Crown, with its tenants."

1179. Then, the legal and equitable rights seem to have been passed by?—I cannot say.

1180. You were not quite so scrupulous when you were examined before the Thames Embankment Committee about producing an opinion of the law officers?—I really cannot recollect.

1181. Will you look at Question 4267: "Their opinion was to the effect that the Crown, in its character of landowner, is under very strong obligations to protect the interests of the lessees, who appear to have very reasonable grounds for seeking a modification of the part of the proposed works by which they are affected?"—I do not think that the opinion was given actually, but I really cannot say whether that was the opinion or not.

1182. In that case you raised exactly the same objection, I think, did you not, that the Crown was bound in good faith to resist the Thames Embankment Bill, because it had allowed the Duke of Buccleuch and others to believe that they would always have uninterrupted access to the river?—That the river would be the boundary.

1183. And you so far influenced the Committee that they sent down the Bill without the public thoroughfare which is now sanctioned?—I can hardly say how far it influenced them.

1184. It was sent down by the Committee without a road?—Yes.

1185. However, it now stands in opposition to your opinion, with a broad public way between the Duke of Buccleuch's house and the river?—Yes.

1186. Of course, you will agree with other witnesses that the amenity of those houses is very much added to by the inclosure of that privileged garden?—It is to a certain extent, but I do not think that whether what is called Apsley Gardens, to which a certain portion of the public have access, is an open park, or whether it is open to only a few, would make much difference. I really do not think, as regards the gardens attached to Lord Conyngham's house or to Mr. Butler-Johnstone's, it adds very much to the value of them, and still less to the houses with little strips behind them. The owners and the occupiers of those houses would have access equally to Hyde Park from a garden of their own, without going through any street.

1187. At any rate, we may take the fact that it was not until 1826 that the garden was inclosed?—That is true, but still 1826 is 40 years ago.

1188. Was that done under the authority of Parliament, or merely under the authority of the Crown?—I do not know, but I should think clearly by the authority of the Crown, because Hyde Park belongs to the Crown and not to the public, and by the fact of Mr. Cowper saying that he would give up a piece of it.

1189. Under the authority of Parliament?—Without any authority of Parliament.

1190. There you differ again from Mr. Cowper, I think?—There is no question of difference in this matter. The question that I had to decide was, whether and in what respect injury would be done to the Crown lessees of houses in Hamilton-place by making a thoroughfare.

1191. As regards the Marquess of Conyngham and Mr. Butler-Johnstone, the question as between my friends and myself is a mere question of amount; we admit that if this Bill passes they are entitled to compensation under the Lands Clauses Consolidation Act, but you know that there is a difference in principle as to whether the other houses are entitled to compensation; the houses which are not touched?—I think they are entitled to compensation.

1192. Under the existing law?—I am not a lawyer, and I cannot give an opinion as to that.

1193. You propose the introduction of these clauses?—Yes.

1194. To protect them?—Yes.

1195. Therefore, that is the view that the existing law is insufficient?—That is, supposing by possibility that the existing law would not give them compensation.

1196. Were any such clauses introduced into the Thames Embankment Act?—I really cannot now tell you; if I had known I was going to be examined, I would have looked.

Re-examined by Mr. *Denison.*

1197. At any rate, in the Thames Embankment Act there was no garden considered to protect the Duke of Buccleuch from the Thames Embankment?—No. The Thames was the boundary

boundary of the existing property leased to the Duke of Buccleuch, and it was proposed to carry a thoroughfare between the end of his garden and the river.

1198. I think I may venture to put this without fear of contradiction, that the Thames Embankment can only be formed on the banks of the Thames, but here we are invited to consider two alternatives both presented before the Committee by the Metropolitan Board, one involving good faith, as you say, and the other not involving good faith; that is totally different, is it not?—Yes.

1199. I am not sure that you read the same passage as I meant in page 10: "I have to state that with this opinion of the law officers of the Crown before them, my Lords are unable to sanction the introduction of the proposed Bill for making a thoroughfare through Hamilton-place;" was it another passage in that letter which you read?—The passage which I read was in page 12. It is a letter from Mr. Hamilton to the First Commissioner of Works, dated the 24th March 1862. "You will observe that the Board of Treasury of that time declined to assent to the introduction of the proposed Bill on the two grounds: first, of the opinion which the Attorney and Solicitor General as then advised, had given, that the measure would involve a violation of good faith on the part of the Crown with its tenants."

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1200. The remainder of that paragraph is by no means unimportant. "And secondly, of there being no circumstances connected with the particular thoroughfare through Park-lane, which threw an obligation on Her Majesty's Government to provide a remedy for the inconvenience represented more than in the case of any other metropolitan improvement, a reason which continues in full force." I may say, may I not, that the Crown has no occasion to consider what the Metropolitan Board will or will not do under the opinion of Parliament?—No.

1201. They leave that to the Metropolitan Board and Parliament to consider?—Yes.

[The Witness withdrew.

SIR EDWARD CLARENCE KERRISON, Bart., a Member of the House, sworn; Examined by Mr. *Denison.*

1202. I THINK that the Committee know which house you occupy at present, but for the sake of having it formally before them I will ask you whether it is No. 140, Piccadilly, the corner house?—Yes.

1203. And the entrance to it is in Hamilton-place?—It is.

1204. When did you take a new lease of it?—I signed the lease in 1858; but the term of the lease is from the 5th of April 1861 to 1882, that is 21 years.

1205. In taking that lease, you naturally had interviews with the Office of Woods and Forests, and perhaps with Mr. Gore, personally?—I had.

1206. We know that 1861 was long after the discussion of this subject had begun, and after the Report of the law officers of the Crown?—Yes.

1207. Was it a matter of consideration between you, as to whether this passage should be opened there or not?—In my interview with Mr. Gore, I said something of this sort: "You are asking a very large increase of rent, and in the event of Hamilton-place being opened, my house, as a corner house, would be seriously damaged; I therefore want to know whether you will give me any assurance in the lease, or if you will tell me the circumstances as they now stand." It was then mentioned to me that there had been an opinion given by the law officers of the Crown, which has been quoted. It was also mentioned to me that there were leases at the top of Hamilton-place, to Lord Conyngham and Mr. Munro, which guaranteed as far as possible that there should be no opening for 40 years. Mr. Munro was good enough, on my asking him, to allow me to read that lease. I read it, and as far as I recollect (but I could not be quite certain) there was a paragraph in it not only saying that for 40 years it was not to be a thoroughfare, but they were particularly prevented from allowing any footpath of any kind to pass through it; as far as I recollect, there were words to the effect, that beyond the footpath into the gardens they were to have no thoroughfare whatever, but I am not quite certain of the fact.

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1208. You will be quite certain that you saw the plans of the leases of 1805?—I saw them.

1209. And the gardens of course were included in the leases?—The gardens were included in the leases.

1210. And besides that, you were informed of the opinions of the law officers?—I was informed of the opinion of the law officers.

1211. And what sort of assurance was there that the thoroughfares would not be opened?—Mr. Gore merely referred me to those leases, and to the legal opinion given to the Crown.

1212. By the *Committee.*] Which you read?—Which I read; I saw a copy of it, and moreover at the time I knew that the Crown must give consent to any Bill brought into Parliament, either by the Metropolitan Board or any other Board, before such a Bill could come before Parliament, and therefore I was more assured than I should have been in taking it from any other landlord in London.

1213. Having been confirmed as to what you were informed, you consented to give the increased rent?—Yes.

1214. If you had not been so assured, would you have given the increased rent?—I should not have been willing to spend the sum of money which I have spent upon it, or to have given the increased rent.

1215. Have you considered the alternative which is presented to the Committee?—I have.

1216. Both of the schemes to a certain extent would affect you, but what opinion have you formed upon the two alternative schemes?—I have no doubt, so far as the public convenience is concerned, quite apart from private considerations, that the one large street giving 53 feet at the top and 80 feet at the bottom, which Park-lane would do, is the better of the two. But another point of great importance in my mind is, as to the gradients of the two streets; where the traffic comes into Piccadilly from Park-lane it is 1 in 58, and I was going to say that opposite my house

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house especially it is 1 in 34. As it is now in order for my own carriage to stand there conveniently I am obliged to have it locked, and I cannot conceive how a heavy omnibus coming down into a crowded thoroughfare, across a footpath and joining another one which crosses into the park, can possibly pull up without either damaging a carriage stopping at my house and prevent my getting up to my door, or interfering with the public convenience.

1217. I believe you have had the curiosity to look at the Bill as it has been altered by the Board of Works?—Yes.

1218. Do you consider those alterations to be improvements, or not?—If the Bill stood as shaped originally, it would, I submit, have been impossible for the Board of Works to prove their estimates, and, therefore, they have taken out that portion which alters the gradients, and which enables them to take off porticos of the upper houses; so that, according to the Bill, no more than 28 feet can possibly be allowed; giving, in the case of a carriage, on each side not more than 16 or 17 available feet; and likewise, as I say, the gradients are of the worst possible description. Looking at the fact of the Committee passing the Bill in its present shape, I consider that the inhabitants of Hamilton-place, and myself amongst them, would be in a far worse position, inasmuch as the public would naturally cry out very much at the narrowness of the entry. We should soon find this much too narrow for the traffic, and that the gradients were too severe; and after the Bill was passed, we, the few individuals, would be at the mercy of the Board of Works, who might suggest larger alterations, which we could not probably fight before a Committee of the House of Commons.

1219. You think that if this step is taken, it must end in further alteration?—I am of that opinion.

1220. The width will be so insufficient?—Yes.

Cross-examined by Mr. *Phinn*.

1221. Where do the drawing-room windows of your house look?—A portion of them look towards Piccadilly, and one or two of them look northwards, towards a court up towards Hamilton-place.

1222. But none of them in the wall of Hamilton-place?—The drawing-rooms look towards Piccadilly, except the one which looks upwards, and that is the only case which I have in my house of a room looking towards Hamilton-place.

1223. That does not look into Hamilton-place?—It does not.

1224. It looks to the stable?—Yes.

1225. I suppose you are obliged to keep that window shut in certain states of the wind?—Not the least.

1226. Where do your drawing-room windows look?—Some of them in the direction of Hamilton-place; it is equally quiet.

1227. Still, not with a view of Hamilton-place?—Not with a view of Hamilton-place.

1228. That is a dead wall in Hamilton-place, except for the perforation of the door?—Yes.

1229. You have a pretty good deal of noise from Piccadilly now?—The noise, as you ascend the house, is even greater, and the only quiet room which I could sleep in is towards Hamilton-place. The top part of the house, as it is towards Piccadilly, shakes very much; and, of course, when it becomes towards an inclosed street, which Hamilton-place is, the noise and vibration is double what it will be with no houses opposite.

1230. Then, in fact, you have nothing looking on to Hamilton-place?—The windows of my bed-room, which is upon the drawing-room floor, look upon Hamilton-place.

1231. Does it look into Hamilton-place in that wall?—Yes.

1232. Then, you can look up towards Apsley-house?—Yes, certainly.

1233. That is the only window?—That is the only window of a living room. I have a dressing room looking out there.

1234. I think that you must have laboured under some mistake, in looking at that lease. Did you see the word "thoroughfare" in it at all?—To the best of my belief, I did.

1235. Mr. Butler-Johnstone is acting in concert with you, I think, in this matter, is he not?—Yes, but it is of very little importance, inasmuch as I saw that the lease was for 40 years, whether it was to guarantee against a thoroughfare or not.

1236. It never occurred to you that the lessee might surrender to the landlord?—It did not occur to me as being the least likely that the tenant would give up premises of that description.

1237. Not for a consideration?—It did not strike me so.

Re-examined by Mr. *Denison*.

1238. If he did, the landlord is the Crown, represented by Mr. Gore, whose opinion about good faith is well known?—Yes.

Mr. George Rigby, sworn; Examined by Mr. *Denison*.

Mr. *G. Rigby*.

1239. What are you?—A coachbuilder.

1240. And you live in Park-lane, do you not, just opposite Gloucester House?—I do.

1241. Nobody has had better opportunity than you of observing the increased traffic I believe?—I have resided there 29 years.

1242. And, I believe, shortly after the death of the late Duchess of Gloucester you began to consider some scheme for remedying the evil?—I did.

1243. What conclusion did you come to?—That there was a great necessity for widening the lane for the enormous increase of traffic that it had arrived at, at that time, from what it was when I first knew it, and I thought it was then a proper time to moot the question.

1244. Do you remember when the Duchess of Gloucester died?—I think, eight or ten years since.

1245. I believe you submitted your plan to Mr. Gore, did you not?—I did; whether I did it personally I am not quite certain; the time has slipped since, but I did then send a plan.

1246. What did the plan involve?—The taking down of Gloucester House; in fact, it involved the whole of Park-lane; it was the idea in my mind at the time.

1247. Only dealing with the west side of Park-lane?

lane?—Only dealing with the west side of Park-lane, but it was dealing with it from end to end; it was making a general improvement as I thought.

1248. At the south end of it, at any rate, it looks very like that which is before the Committee?—Yes; but that plan before the Committee was taken from the large Ordnance Sheet, which shows, in the division of the Crown property, and the property of the dean and chapter, a perfectly straight line, whereas that seems to deviate a little.

1249. Of course, the great ingredient in that question was Gloucester House?—It was.

1250. And, therefore, of course, you had to consider what Gloucester House was likely to be in the way of an impediment?—Yes.

1251. You have had an opportunity of going into it?—Yes, having some knowledge of his Royal Highness's steward as a person living in the immediate neighbourhood.

1252. You have formed an opinion as to the value of it?—I have formed my own opinion, which is probably not worth much.

1253. We have had a good many opinions, let us have yours; you know pretty well what gentlemen pay for houses about there?—The opinion I have formed is very much in conformity with that given by Mr. Lee and Mr. Cundy; my idea of the value of the house is that the rental would be probably 1,200*l.* a-year.

1254. The house remained empty some time after the duchess died?—It was unoccupied by his Royal Highness for some time, I should say, probably, two years; I do not exactly recollect the period.

1255. Did you learn at all what it was that was making a difficulty as to his residing there?—He was then residing in St. James's Palace, and I then understood that it was to be let; I suppose so from occasionally seeing various persons going there.

The *Chairman* stated that this could scarcely be received as evidence by the Committee.

1256. Mr. *Denison.*] (*To the Witness.*) I will leave that part of the question. Looking at the two plans which are before the Committee, you have probably formed an opinion as to which is the best, will you state what your views are upon that subject?—The one which gives the widest roadway; from my knowledge of the traffic, I think that the one proposed in opening Hamilton-place, would be totally inadequate for the traffic.

Mr. *G. Rigby.*

5 April 1865.

Cross-examined by Mr. *Phinn.*

1257. Have you large premises in Park-lane?—Not very large; my manufactory is in the neighbourhood of Belgrave-square.

1258. Your coach premises are not in Park-lane?—Not the manufactory.

1259. Do you not know that it is very difficult to get premises of that description in that immediate vicinity?—As a manufactory, no doubt.

1260. You know Mr. Hale's premises?—I do.

1261. If he was dispossessed, it would not be very easy to get premises close by?—Anything which is adapted for coachmakers' premises is very difficult to get anywhere at the west end of London.

[The Witness withdrew.

Mr. *Denison* stated that that was his case; and was heard to address the Committee in opposition to the Bill.

Mr. *Phinn* was heard in reply.

The Committee-room was cleared.

After some time, the Counsel and parties were again called in.

The *Chairman* stated that the Committee were unanimously of opinion that the Preamble of the Bill was not proved.

Mr. *Denison* inquired whether the Committee had considered the question of drawing up a special report.

The *Chairman* stated that the Committee felt a difficulty in drawing up a special report, inasmuch as they had only one scheme before them, and as it was possible that a third scheme might be better than either, the one which was contained in the Bill, or the one which had been suggested by the opponents of the Bill.

MINUTES OF EVIDENCE

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WITH THE

PROCEEDINGS OF THE COMMITTEE.

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